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· WM. L. MCDOWELL

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B P R O Journals B T Vol 46

Whitehall Tuesday 27 Jan^y 1736

At a Meeting of His Majesty's Comm^rs for Trade and Plantations

Present

Earl Fitz Walter

M^r Ashe Col Bladen M^r Pelham M^r Plumer S^r A^r Croft S^r O Bridgeman

. . . .

Letter from M^r Furye Agent for the Province of South Carolina inclosing Minutes and Eight Acts was read. Ordered that the Acts be sent to M^r Fane for his Opinion in point of Law.

. . . .

17 February 1736

Next Friday appointed for M^r Wragg to attend upon the subject of his petitions for land read the 17^th of Dec^r last. Ordered that M^r John Sharpe do attend at the same time according to the directions of that day

. . . .

20 Febr^y 1736

M^r Wragg M^r Craven, M^r Shelton, & M^r Deane attending Order of the Committee with the petitions of Wragg and Deane read the 10^th of Dec^r last for 6000 Acres to erect a Sawyery again considered. They are now in possession of the whole Tract. M^r John Sharpe attending as he had been desired acquainted the Board Mess^rs Froysen and Swinton had two Warrants one of 700 and one 350 Acres. part of the land petitioned for granted by Johnson a year before his death run out and surveyed. It appears to the Board that the land claimed by

1736 & 1737

by Mr Wragg is by virtue of a Warrant of Survey in the year 1713 signed by the proprietors and directed to the Surveyor Genl: but that the Land was not surveyed till the year 1723 & then by a Surveyor, but not the proprietors Surveyor. Mr Craven says he has seen the Saw Mill erected by Wragg &c saw with 36 saws at once and that the men they had there were taken away on account of the Indian War. The Board then desired they would reduce into writing a state of the expence they had been at, and shew how they claim under Danson to whom the Warrt was directed. in answer thereto they produced a Deed of partnership in 1713 signed by Mr Danson, Mr Wragg &c under which they claim. And promised to bring an Affidavit to the Truth of what they have averr'd with regard to their expence: To attend again

. . . .

4 March 1736

Mr Wragg & Mr Shelton attending Order of the Committee of Council mentioned in the Minutes of the 10th ult again considered. Mr Wm Wragg the only surviving Partner mentioned in the Deed of Co partnership referred to in that Minute desires the Grant may be made to Wm Wragg and that he will convey to the Exrs of the other partners. Affidavit from Saml Wragg and Deane relating to the Expence the partners had been at in erecting saw mills &c was read. Saml Wragg says the Expence was paid by all the partners. The Board acquainted them that they could not recommend to His Majesty to make a Grant of the Land desired upon the foot of the Petn as they now stand. But that the Board does insist that no Report can be made in their favor unless they agree to pay a Quit Rent of 4 Sh Proclamation

Money for every 100 Acres and that they may upon this Foot give to the Board a Paper with proposals of such Terms as they desire to have a new Grant upon which they promised to do accordingly

. . . .

20 April 1736

Mr Yonge Agent for South Carolina and Mr Braithwaite attending Mr Yonge acquainted the Board that he did not intend to return to that Province & resigned his seat in the Council there. And the Board agreed and signed a Repn to His Majty recommending John Colleton Esq in the Room of Ralph Izard who refuses to act as Councellor and John Braithwaite in the Room of the said Mr Yonge

. . . .

18 June 1736

An Order of the Committee of Council directing the Board to prepare the Draft of an Instruction to the Govr of South Carolina directing him to recommend to the Assembly to make the necessary provisions for erecting a Goal & keeping the same in repair was read. And the Secretary laying at the same time the Draft of such an Instruction the same was agreed to, and a Report for inclosing thereof to the Lords of the Committee was signed

. . . .

25 June 1736

An order of the Committee of Council dated 14th Aug last referring to the Board a Petn from Mr Jos & Saml Wragg praying for Two tracts of land of 12000 Acres each, was read and the Board agreed to consider further thereof

. . . .

18 August 1736

Lre from the Duke of Newcastle referring to the Board several Letters and other papers received from Mr Oglethorpe at Georgia relating to the disputed Bounds between Carolina and Florida &c was read and the Board resolved to consider further thereof at another opportunity

. . . .

15 September 1736

Order of Committee read 25 June last with the petition of Messrs Wragg for 24000 Acres was read again Mr Shelton in behalf of Messrs Wragg acquaints the Board that they are willing to pay the Quit Rent here in Sterling money from the date of their Grant and desires the Board to appoint a day for considering the sd petition and the Board appointed tomorrow morning

. . . .

16 September 1736

The Board take again into consideration Mr Wragg's Petn for 24000 Acres of Land mentioned in yesterdays Minutes Mr Wragg proposes to settle them immediately and to carry over thither about 300 persons the next year, but will engage to carry that number in the first five years and to pay the usual Quit Rent in Proclamation Money either in the Province or in London from the date of his Grant. Mr Wragg is desired to send a description of the Land he requires which he promised to do accordingly

. . . .

29 September 1736

Letter from the Duke of Newcastle referring to the Board a Letter from Monsr

Geraldine Agent for Spain complaining of the Inhabitants of Georgia was read and directions were given for desiring some of the Georgia Trustees to attend upon this subject on Wednesday morning next, and that in the meantime a copy of the abovementioned Letter be sent to the said Trustees The Board then read again and reconsidered the Letter from the Duke of Newcastle read 18th ult enclosing several papers relating to the Bounds between Carolina and Florida.

. . . .

13 October 1736

The Board take again into consideration the two letters from the Duke of Newcastle (Secry of State) and the papers thereby referred to the Board mentioned in the Minutes of the 29th ult relating to the Bounds between Georgia & Florida and the Trustees attending the Board had some discourse with them upon the subject of the said Letters and papers and resolved to consider further thereof tomorrow morning at which time Ordered that M^r Shelton Secretary to the late Lords Prop^{rs} of Carolina be desired to attend

. . . .

14 October 1736

The Board take again into consideration the two letters from the Duke of Newcastle (Secry of State) mentioned in yesterdays Minutes relating to the Bounds between Carolina and Florida. And M^r Shelton Secry to the late Lords Prop^{rs} attending as he had been desired the Board asked him how far southward the Lords Prop^{rs} had made any Settlements towards Florida He said that he believed there never had been any to the South of the River Alatamaha but that he would inform himself of one Capt Shubrick who had been many years an Inhabitant in South Carolina and now settled in London And he was desired to enquire and attend again another day

. . . .

20 October 1736

The Board then re considered the Lres and papers from the Duke of Newcastle (Secry of State) mentioned in Minutes of 14th inst relating to the Bounds between Carolina and Florida and gave directions for preparing a Lre to the Governor of South Carolina upon the subject as also The Draft of a Lre for enclosing to the Duke of Newcastle an extract of the Boards Represen^{n} of the 20 June 1728 containing an Acco^{t} of the Southern Bounds of Carolina in answer to His Graces abovementioned Letters

. . . .

21 October 1736

The Draft of the letter to the Duke of Newcastle ordered yesterday to be prepared relating to the Bounds between Carolina and Florida was agreed to

Letter from Mr Broughton Comm^{r} in Chief of South Carolina inclosing his answer to the Query relating to duties &c affecting the Trade of this Kingdom was read. And the draft of a Letter to Mr Broughton ordered yesterday to be prepared relating to the South Bounds of Carolina was agreed

. . . .

Ordered that a Copy of Monsieur Geraldine's Memorial referred to the Board by the Duke of Newcastle's Letter read the 29th of September last complaining of the Inhabitants of Georgia be sent to Mr Oglethorpe for his answer thereto

. . . .

22 October 1736

Letter to the Duke of Newcastle relating to the bounds between Carolina and Florida which was agreed to yesterday was signed. The Letter to Mr Broughton Lieut. Govr of South Carolina upon the same subject which was agreed to yesterday was signed The Letter to Mr Oglethorpe upon the same subject which was yesterday ordered to be prepared was agreed to and ordered to be sent

. . . .

3 November 1736

Letter from Col. Broughton Commr in Chief of South Carolina dated 16 Aug last, relating to the French from Moville having attacked the Chickesaw Indians a Nation in Friendship with us was read Ordered that a Copy of the said Letter be sent to the Duke of Newcastle (Secry of State) to be laid before His Majty Ordered that an answer be prepared to Col Broughton's said Letter and that he be desired to send a fuller account of the above Information

. . . .

11 November 1736

Draft of a Letter to the Duke of Newcastle Ordered yesterday to be prepared for Inclosing the Copy of a Letter from Col. Broughton Commr in Chief of South Carolina relating to the French Govr of Moville's having attacked the Chickesaw Indians was agreed to as also the Answer then ordered to be prepared to Colonel Broughtons Letter

. . . .

9 November 1736

Lre from Col. Broughton Commr in Chief of South Carolina dated the 6th of

Aug last complaining against the Inhabitants of Georgia. was read and the Secry acquainting the Board that Mr Fury (the Agent) had recd a Letter from the province to His Majesty. upon this subject which he was this day to present and that he desired when this petn should be referred to the Board they would appoint a day for hearing him by Counsel in behalf of the said petn Their Lordps agreed to postpone their considern of the above Letter till that petn should be referred hither. A Letter to the Duke of Newcastle agreed to at the last meeting for inclosing the Copy of a Letter from Col. Broughton relating to the French Govr of Movilles having attacked the Chickesaws. was signed

. . . .

12 November 1736

The Board taking again into consideration the Order of Council referring to them the petn of Messrs Saml and Jos. Wragg praying for two Baronies of 12000 Acres of Land each in South Carolina. The Letter from Mr Shelton giving an Account of the Bounds of the said Baronies was read, and some directions were given for preparing the Draft of a Represen.n to propose that directions should be sent to the Govr to make out the proposed Grant to the Petitrs provided the Baronys petitioned for be not already granted to other persons and that they comply with their proposal at the Board the 16th of September last

. . . .

16 November 1736

The Board taking into consideration the Draft of the Represen.n ordered to be prepar'd the 12th Inst upon the Petn of Messrs Wragg for 2 Tracts of 12000 Acres each, gave directions that Mr Wragg should be desired to attend the Board tomorrow morning

. . . .

17 November 1736

Mr Wragg who petitions for a Tract of land in South Carolina attending as he was yesterday desired to do the Board reminded him of the Minutes of 16th of September last, wherein he engaged to carry over 300 persons in five years But he acquainted the Board that he could not agree to that being made a condition of the Grant The Board taking this matter into consideration gave directions for altering the Draft of ye Reptn which was read yesterday upon this Subject. Mr Wragg desiring to be heard again he acquainted the Board that he was willing to agree to his first proposal and would engage to carry over 300 persons in the first five years The Board then agreed to reconsider the Draft of the Rept upon this subject tomorrow morning

. . . .

24 November 1736

The Draft of a Report upon Messrs Wraggs petn for Land in So Carolina mentioned in the Minutes of the 17th Inst was agreed to and signed

. . . .

30 November 1736

The Georgia Trustees attending as they had been desired upon the two orders of the Committee of Council referring to the Board the petns of the Trustees for

Cannon &c and praying that no land to the South of the Alatamaha may be granted to any one. read the 20 Aug and 16 Decem. 1735 The said Orders and petition were again read, as also the Letter from M^{r} Verelst Accomp^{t} to the Trustees pressing the Boards Rep^{t} upon the former of these petitions on Account of their being alarmed with Rep^{ts} of danger with which the Colony is threatned. And the Board enquiring concerning this Danger M^{r} Vernon said they had no certain account of it. but that the same was reported But that be it true or not. He hoped the Board would report in favor of Ammunition and Cannon, it having been usual for the Crown to furnish the Colonies at times therewith. And with regard to the other petition he said he was apprehensive that granting Land to the South of the Alatamaha might occasion some misunderstanding between them and the Spaniards. The Board then gave Directions for preparing the Draft of an Instruction to the Comm^{r} in Chief of South Carolina accordingly and the Draft of a Report to the Committee of Council to enclose the same. And agreed to postpone any Report upon the former pet^{n} for Stores. till the Trustees shall receive further Advices from Georgia. which M^{r} Vernon said was daily expected and which he would lay before the Board as soon as received from them

. . . .

2 December 1736

The Draft of the Report ordered to be prepared the 30th Ult. upon the petition of the Georgia Trustees praying that no Land may be granted to the South of the Alatamaha, as also the Draft of an Instruction to the Governor of South Carolina forbidding the same were agreed to

. . . .

3 December 1736

The Report to the Lords of the Committee with the Draft of an Additional Instruction to Col Broughton Commr in Chief of South Carolina forbidding him to grant any Land to the South of the Alatamaha agreed to yesterday was signed. Ordered that a Lre be wrote to Col Broughton to know whether any application has been made to him for grants of Land as abovementioned

. . . .

8 December 1736

The Letter to Col Broughton Lieut Govr of South Carolina ordered to be prepared the 3rd Inst was agreed to and ordered to be sent.

. . . .

14 December 1736

Mr Fury agent for South Carolina attending presented to the Board an Order of the Committee of Council dated the 8th inst referring to the Board a petition from the Council and Assembly of South Carolina complaining against the Inhabitants of Georgia for obstructing their Trade with the Indians was read. And Mr Fury desired to be heard by Counsel in support of the several Facts contained in the said petn if any of them should be contested Ordered that the Trustees of the Colony of Georgia be desired to attend the Board upon this Subject as also upon the Lre from Mr Broughton relating thereto and read the 9th ult. to morrow morning

. . . .

15 December 1736

Mr Martin Secretary to the Georgia Trustees attending & acquainting the Board that the Trustees cannot conveniently attend this day as desired the Board appointed Thursday the 13th of next Month for their attendance upon the Petition from South Carolina read Yesterday.

B.P.R.O. So Carolina B.T. Vol 26. p 168.

27th Janry 1735/6

To Francis Fane Esqr

Sir,

I am commanded by my Lords Commissioners for Trade & Plantations to send you the eight inclos'd Acts passed in So Carolina in 1735, and to desire your Opinion thereupon in Point of Law as soon as conveniently may be

I am
Whitehall Sir
January 27th 1735/6 Your most humble Servt
A. P

An act for raising a fund for the better support & regulation of the Indian Trade.

An Act to appoint and enable certain Commissioners to keep in repair the Road leading from Beacons Bridge in Berkeley County to the Parish line near Jacks Savana, and also Commissioners to lay out a road from thence to the road on the East side of a Swamp at a Place called Mrs Drayton's Cowpen.

An Act for the more effectual preventing the Counterfeiting the Bills of Credit of this Province and for Calling in and Issuing such of the Denominations of the Current Bills of this Province as are or shall be supposed to be counterfeited.

An Act to provide a full supply for Subsisting poor Protestants, coming from Europe and Settling His Majestys New Townships in this Province, and for establishing a Fund by an Annual Tax on the Inhabitants of this Province for paying Off and Cancelling the remaining publick Orders which were issued in the Year 1731.

An Act for laying out a Road from the Round O Savanna to the publick Road leading from Jacksons Ferry &c — And to appoint Commissioners for the same, and to invest the Commrs appointed in an Act entituled An Act for Establishing a Ferry from the Plantation of Colo Prioleau, to the Land of Thomas Inns Esqr on the Indian Land, and to Erect a Ferry over Cambanee River and to appoint Commissioners to lay out Roads to Purrysborough & to Port Royal Ferry &c.

An Act for raising the Sum of Forty two Thousand two hundred and Ninety two Pounds 13s 6d for defraying the Charges of the Government for One Year commencing the 25th Day of March 1734 and ending the 25th Day of March 1735.

An Act for laying of Buoys and Erecting

and Supporting Beacons or Land Marks near the Bar of the Harbour of George Town Winyaw and for Building and Repairing One or more Pilot Boat or Boats to attend the Bar of the said Harbour and for the better Settling and Regulating the Pilotage of the said Harbour.

An Act further to Empower the Commissioners of the High Roads in the Parishes of St Philip, St Andrews, and St James's Goosecreek to Compleat and Finish the Roads in the said Parishes respectively.

B. P. R. O. So Carolina B. T. Vol. 8. F 37.

Charles Town ye 2d Feby 1735/6

My Lords

I have received the Honour of Your Lordsps Commands of the 17th of June last, directed to the late Governor wherein you require him to Transmit to Your Lordships an account of what dutys and Impositions are layd by any Laws of this Province on the Trade & Shipping of Great Britain; and likewise an account of the Dutys and Impositions now payable by any Act or Acts of Assembly, on the Importation and Exportation of Negros, Wine or other kind of Liquors, or on any Goods Wares or Merchandizes, distinguishing each duty or Imposition.

I have caused the same to be drawn up with all possible Exactness, and sent Inclosed to Your Lordships, and I hope it will answer the end proposed by it.

I am with great Respect
My Lords
Your Lordships Most Humble
and most obedient Servant
Tho. Broughton

Rt Honble Lords Commrs
for Trade &ca

Recd April 19 } 1736
Read Oct. 21 }

(Inclosure)

(Inclosure.)

South Carolina.

List of Laws which were in force the 25th day of March 1731; As well as those, made since, By which Dutys and Impositions are Laid, On the Importation and Exportation of Negros Wines and other Kinds of Goods Wares and Merchandizes into and out of this Province.

By an Act of the General Assembly of this Province passed 23d February 1722 Entituled An Act for granting to his Majesty a Duty and Imposition on Negroes Liquors and other Goods and Merchandizes for the use of the Publick of this Province are laid the following dutys and Impositions.

Commoditys.		Dutys.		
Madeira Wine	Per pipe.	£ 6.	.	.
Fyal Wine	Per pipe.	10.	.	-
Vinegar	Per Galln.	-	-	2
Rum	Per Galln.	.	.	4
Beer	Pr. Barrell	.	10	-
Cyder importd. from the Northwd.	Pr. Barrell	.	10	.
Melasses	Pr. Galln.	.	.	3.
Lime Juice	Pr. Galln.	-	-	6.
Brandy Rosa Solis or other Spirits Rum excepted	Pr. Quart	.	.	6.

Commoditys		Dutys		
Do imported into Casks	Pr Gallon	£ .	2	-
Brown or Muscovado Sugar	Pr Hundd	-	2	6
Lay'd Sugar	Pr Hundd	-	5	-
Refined Sugar	Pr Pound	-	-	3
Cocoa	Pr Hundd	-	15	-
Chocolate made up	Pr Pound	-	-	12
Tobacco imported from any of the American Plantns	Pr Hundd	-	15	-
Butter	Pr Hundd	-	10	-
Cheese	Pr Hundd	-	5	-
Candles	Pr Hundd	-	10	-
Tallow	Pr Hundd	-	7	6
Salt fish Do	Pr Hundd	-	5	-
Herring Mackrel or Pickled Fish	Pr Barrel	-	10	-
Pork	Pr Barrel	1	10	-
Beef	Pr Barrel	-	10	-
Cranberries	Pr Barrel	-	10	-
Train Oyl	Pr Barrel	-	7	6
Blubber	Pr Barrel	-	5	-
Brown Bisket	Pr Hundred	-	1	3
White Bisket	Pr Hundred	-	2	6
Midling Bisket	Pr Hundred	-	2	-

Commoditys		Dutys
Flower	Pr Half Barrel	£ - . 2 . 6
Hams and Bacon	Pr Hundred	1 . - . -
Soap	Pr Hundred	1 . - . -
Timber Plank, Boards Staves Shingles or any other Lumber imported from any of the American Plantations	Pr Hundred	20 . - . -
All other Wooden Ware	Five pr Cent	5 . - . -
Bricks Imported from the American Plantations	Pr Thousand	- . 2 . 6
Every Horse and Mare under 15 hands high		10 . - . -
Negroe Slaves imported from Africa directly or any other place Spanish Negroes exceptd if above Ten years of age		10 . - . -
Negroes under the age of Ten years (sucking Children excepted		5 . - . -
All Indians imported	Pr head	50 . - . -
Deer Skins	Pr Skin	- . - . 6
Pitch and Tar	Pr Barrel	1 . - . -
Scraped Ginger	Pr Hundred	- . 10 . -

Sealed

		£		
Scaled Ginger	Pr Hundred	-	2	6
Pickled Sturgeon	Pr bagg	-	2	6
Pickled Salmon	Pr bagg	-	2	6
Preserves, Sweetmeats & Suckets	Pr Pound	-	3	-
Spermaceti	Pr Pound	-	2	6
Spermaceti Oyle	Pr Gallon	-	2	6
Bees Wax	Pr Hundred	-	10	-
Myrtle Wax	Pr Hundd	-	7	6
Peese & Indian Corn	Pr Bushel	-	1	-
Indigo	Pr Pound	-	1	-
Oynions	Pr Barrel	-	10	-
Aples or Pears	Pr Barrel	-	2	6
Whalebone	Pr Pound	-	1	-

All Liquors before enumerated which do not pay duty by the Gallon shall pay in proportion according to the bigness or size of the cask to be accounted as the duty is said pr Pipe.

Beaver	Pr Pound	-	-	6
Otter Fox Catt or Racoon Skins	Pr Doz	-	1	-
Pimento	Pr Hundd	-	5	-
Logwood	Pr Ton	-	10	-

Negroes imported from any part of America above the Age of Ten years Pr head	£	50 . - . -
Negroes under the age of Ten years Sucking Children excepted Pr Head		5 . - . -
Spanish Negroes, Mustees or Mollatoes. Pr Head		150 . - . -

Goods Exported.

Tann^d Leather	Pr Pound	£	- . - . 2
Neat Leather	Pr Side		- . 2 . 6
Calf Skins and Deer Skins	Pr piece		- . 1 . -
Raw hides	Pr piece		- . 5 . -
Indian Drest Deer Skins upwds of a pound	Pr piece		- . - . 6
Indian Drest Skins not weighing a pound	Pr piece		- . - . 3
Raw Deer Skins	Pr piece		- . - . 6

On Exportation of any of the above Goods and Commodities in Six months after Importation 3/4^{ths} of the duties to be Repaid to the Importer &c.

The above Law continued by the Appropriation Law in the year 1731 for Seven Years.

2^{dly}

2

By an Act Intituled An Act for the Speedier, Better and more Effectual Relief of his Majesty's Subjects of Georgia &ca Reciting an Act Intituled An Act for carrying on the building and for finishing and compleating the brick Church in Charles Town and declaring it to be the Parish of St Philips Charles Town past Decemr 9th 1720. Whereby it is Enacted that three pence ℘ Gallon should be paid for every Gallon of Rum imported into this Province to be applyed towards the said building. The said Duty of three pence per Gallon is applyed towards the Relief of the said Colony of Georgia. To commence the 1st day of Decemr 1733 and to be continued till the sum of Eight Thousand pounds Currency is made up. The said Law is dated.

3.

By an Act Intituled an Act for the Raising a Publick Store of Powder for the use of this Province past July 12th 1707 Which said Act is now in Force There is a duty of half a pound Gun Powder ℘ Ton on every Vessell trading in the Port & Harbour of Chas Town

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4.

By an Act for Regulating the Port and Harbour of Charles Town and the Shipping frequenting the same past 9th April 1734 There is an additional duty of three pence ℘ Ton on Every Vessell To be applyed towards mooring and Placing of Buoys On the Barr of Charles Town.

5.

By An Act Intituled an Act for the Better Settling and Regulating of Pilots &ca passed 9th April 1734 There is a duty of Nine pence ℘ Ton said on every Vessel Trading in this Port of Charles Town to be applyed towards building and Supporting Beacons near the Barr of Charles Town.

6

By An Act Intituled An Act for granting to His Majesty An Additional Duty on Madeira Wine &ca passed 9th April 1734. Dutys are laid on the following Commodities in manner as is after Specified

Madeira Wine	Pr Pipe an additional duty of	£4.-.-
Rum	Pr Gallon	-.-.5.
Melasses	Pr Gallon	-.-.2
Flower	Pr Barrell	-.2.6
Muscovado Sugar	Pr Hundred	-.2.6
Clay'd Sugar	Pr Hundd	-.5.-

Nota Bene By an Act of the General Assembly passed 7th June 1735. The dutys arising by Negroes, as mentioned in the general Duty Law first above recited are to be applyed from and after the 25th day of March 1735 To and for the use of purchasing Tools Provisions and other Necessarys for Poor Protestants Lately Arrived in this Province Or who shall come from Europe and settle in any of His Majestys New Townships laid out in this Province.

Secretarys Office 31 Jan. 1735

These Sheets to which the Great Seal is affixed contains a true Copy of the Original Laws as above Recited.

Examd J. Hammerton Secy

B. P. R. O. So Carolina B. T. Vol 8. F. 23

25 Feb 1735

Samuel Wragg of London Merchant and Samuel Deane of London also Merchant severally make Oath & say and first the said Samuel Wragg and Samuel Deane say that William Wragg and others Concerned with him in a Co-partnership for Erecting of Saw Mills, raising of Pott ashes & Carrying on several other Improvements in the Province of South Carolina in America did actually raise and expend in Transporting about Thirty Artificers from Holland to that Province to build and erect the said Mills and in carrying on the aforesaid Works and who were by Contract to serve two years One Thousand Five hundred Pounds Sterling and upwards and that before the Indian War that happened there in the year One Thousand seven hundred and fifteen. They the said Artificers had actually built one Saw Mill to goe by wind which frequently workt with Thirty six Saws at a time and had they not been taken away by the then Governour to serve in the War they would have erected two Mills more in the time aforesaid but being Forreigners & the time for which they contracted expiring Most of them especially the principal ones would not stay any longer in the said Province By which means The frames and timbers prepared for building the two Mills aforesaid were suffered to Lye and rott & became of no use to the great loss and damage of the said Co-partnership and the said Samuel Deane for himself further Saith That for a Considerable time he had the direction and Management of the said Works and that a much greater sum than the beforementioned One Thousand five hundred pounds Sterling was Expended in the said Works for that all the profitt's arising from the Erected Mill was continually applyed and laid out in the same

Sworn the 25th day of Febry 1735. S. Wragg
before Richd Brocas. Saml Deane

Recd Feb. 27 } 1735/6
Read Mar. 4 }

B. P. R. O. So Carolina B. T. Vol 8 F. 24.

(4 Mar. 1735/6)

At the Court at St James's
the 4 day of March 1735/6

Present

The King's most Excellent Majesty
in Council

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majestys Province of South Carolina are authorized and empowered to make constitute & Ordain Laws Statutes and Ordinances for the Publick Peace Welfare and Good Government of the said Province which Laws, Statutes and Ordinances are to be as near as conveniently may be - agreable to the Laws and Statutes of this Kingdom and are to be transmitted for His Majestys Royal approbation or Disallowance - And whereas in pursuance of the said Powers two Acts were past in the said Province the one in Febry 1731 & the other in April 1734 which have been transmitted Entituled as follows - Vizt -

"An Act to prevent any delay of Justice that may be
"occaisioned by not drawing the Juries which are to
"serve at the next ensuing Court of Common Pleas
"General Sessions of the Peace Oyer and Terminer Assize
and

"and General Goal delivery on the days appointed for that "purpose and for the regulating of the several Courts therein "mentioned"_

"An Act for the better regulating the Courts of Justice "in this Province & for altering the time of holding Courts".

Which Acts together with a representation from the Lords Commissioners of Trade and Plantations proposing the Repeal thereof having been referred to the Consideration of a Committee of the Lords of His Majesty's most Honble Privy Council for Plantation Affairs The Said Lords of the Committee did this day Report their Opinion to His Majesty that the said Acts ought to be Repealed_ His Majesty in Council taking the same into consideration was graciously pleased to Declare his Dissallowance of the said Acts, And pursuant to His Majestys Royal Pleasure thereupon expressed the said Acts are hereby repealed Declared void and of none effect Whereof the Governor or Commander in Chief of His Majesty's Province of South Carolina for the time being and all others whom it may concern are to take notice and Govern themselves accordingly

A true Copy
Ja. Vernon

Recd April ye 7th }
Read Ditto 8th } 1736.

B.P.R.O. So Carolina B.T. Vol. 26. p. 171.

20th April 1736.

To the Kings most Excellent Majesty

May it please your Majesty.

Ralph Izard Esqr a Member of Your Majesty's Council in the Province of South Carolina, having refused to Act in that Quality, and Francis Yonge Esqr another Member of the same Council at present in England, having resolved not to return to South Carolina and desired to resign his Office of Counceller. We humbly take Leave to propose that John Colleton & John Brathwaite Esqrs who have been recommended to us as persons every way qualified to serve your Majesty in that Station may be appointed of Your Majesty's Council in South Carolina in the room of the said Messrs Izard and Yonge

Which is most humbly Submitted

Whitehall
April 20th 1736.

Fitz-Walter
T. Pelham
Ed. Ashe
Ja. Brudenell
A. Croft
R. Plumer

B. P. R. O. So Carolina B. T. Vol. 8. F. 25

(13 May 1736.)

At the Council Chamber Whitehall
the 13th day of May 1736.

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

The Lords of the Committee this day took into their Consideration a Report made by the Lords Commissioners for Trade and Plantations dated the 26th of November last, upon the Petition of George Morley Esqr. Provost Marshall of His Majesty's Province of South Carolina — Whereby the said Lords Commissioners propose that the Commander in Chief in that Province should receive His Majesty's Commands, to recommend in the Strongest manner to the General Assembly to make the necessary Provisions for Erecting a Common Goal or Goals, and keeping the same in repair agreable to the Practice of other British Colonies — And the Lords of the Committee agreeing to the said Proposal do hereby Order, that the said Lords Commissioners for Trade and Plantations Do prepare and lay before this Committee a Draught of an Additional Instruction proper to be sent hereupon to the Commander in Chief of the Province of South Carolina. — W. Sharpe.

B.P.R.O. So Carolina B.T. Vol 8. I 35

(16 June 1736)

At the Court at Kensington
the 16th day of June 1736
Present

The Queen's most Excellent Majesty Guardian of the Kingdom of Great Britain and His Majesty's Lieutenant within the same. — in Council

Upon reading at the Board a Report from the Right Honble the Lords of the Committee of Council for Plantation Affairs dated the 3d of this Instant in the words following - Vizt -

"His Majesty having been pleased by His Order in Council
"of the 21st of last month to referr unto this Committee
"a Representation from the Lords Commissioners for
"Trade and Plantations setting forth that Ralph Izard
"Esqr a Member of His Majesty's Council in the Province
"of South Carolina hath refused to act in that
"Quality & that Francis Yonge Esqr another Member
"of the same Council, at present in England, hath
"resolved not to return to South Carolina and
"desired to resign His Office of Councillor; and there-
"fore proposing that John Colleton and John Braithwaite
"Esqr who have been recommended to the said Lords Commissioners

"missioners as Persons every way Qualified to serve
"His Majesty in that Station, may be appointed of the
"said Council in the Room of the said Ralph Izard
"and Francis Yonge Esqrs The Lords of the Committee
"in Obedience to His Majestys said Order of Reference
"this day took the said Representation into their
"consideration, And do thereupon agree humbly to
"Report to Your Majesty that they have no objection
"to your Majestys appointing the said John Colleton
"and John Braithwaite to be of His Majesty's said
"Council of South Carolina in the Room of the said
"Ralph Izard and Francis Yonge. —

Her Majesty this day took the said Report into consideration, and was pleased, with the advice of His Majesty's Privy Council to approve thereof and to order as it is hereby Ordered that the said John Colleton and John Braithwaite Esqrs be constituted and appointed Members of His Majestys said Council of South Carolina in the Room of the said Ralph Izard and Francis Yonge: And his Grace the Duke of Newcastle One of His Majesty's Principal Secretary's of State, is to cause the Usual Warrants to be prepared for Her Majesty's Signature accordingly.

Recd
Read } Augst 25th 1736 A True Copy W Sharpe

B. P. R. O. So Carolina B. T. Vol 26. p. 173

18th June 1736.

To the Right Honourable the Lords of the Committee of His Majesty's most Honble Privy Council.

My Lords

Pursuant to Your Lordships Directions signified to Us the 13th of the last Month, We take leave to inclose to Your Lordships, the Draught of an additional Instruction to the Commander in Chief of South Carolina, directing him to recommend in the strongest Manner to the General Assembly of that Province to make the necessary Provision's for erecting a Common Goal or Goals, & Keeping the same in Repair agreeable to the Practice of other British Colonies We are

My Lords

Whitehall
June 18th 1736

Your Lordship's
most obedient and
most humble Servants
Fitz-Walter
T. Pelham
M. Bladen
Orlo Bridgeman
R. Plumer

additional

Additional Instruction to Thomas Broughton
Esqr Lieut Governor of His Majesty's Province
of South Carolina in America; or to the
Commander in Chief of the said Province
for the time being. Given at the Court at
Kensington the day of 1736 in
the tenth Year of His Majestys Reign

Whereas His Majesty has been graciously pleased
by His Instructions to Robert Johnson Esqr His late
Governor of South Carolina to direct him "to take
"care with the Advice and Consent of the Council
"that all Court houses & other Publick Buildings
"and especially Prisons that want reparation be forth
"with repair'd and put into and kept in such a Con-
"dition as is proper and necessary for the Holding
"of Courts, keeping Offices, and securing the Prisoners
"that are or shall be there in Custody; It has never-
-theless been represented to His Majesty that there is
no publick Prison erected in that Province; These
are therefore in his Majesty's name to Authorize
and Require you to recommend in the most ef-
fectual manner to the Assembly of the said Pro-
-vince that they make necessary Provisions for Erecting
a Common Goal or Goals and keeping the same in
repair

repair agreeable to the foregoing Instruction and to the Practice of other British Colonies.

B. P. R. O. So Carolina B. T. Vol. 26. p. 183

9th Novr 1736.

To His Grace the Duke of Newcastle

My Lord,

Having received from Mr Broughton, at present Commander in Chief at South Carolina, a Letter dated the 16th of August last wherein he gives us an account that the French Governor of Moville had attack'd the Chickesaw Indians a Nation in Friendship with the English; We take leave to send your Grace a Copy thereof inclosed. As this Proceeding of the French is a manifest Violation of the 15th Article of the Treaty of Utrecht, We desire your Grace will please to lay the same before her Majesty for her Directions thereon We are

My Lord

Your Graces

most Obedient and

most humble Servants

Fitz=Walter

T. Pelham

M Bladen

Ar. Croft

R. Plumer

Whitehall

November 9th 1736.

B. P. R. O. A + W. I. Vol. 621.

(24 June 1736.)

My Lord,

I send your Grace inclosed a coppy of my Lord Carteret's letter to the Board of Trade and their Report thereupon 1722. on the subject of the island St. Simon, for your own private satisfaction. When the papers are sent to the Board a return will be made in due form. I have also consulted the best Maps we have, and find no reason to doubt, but that the Island St. Simon is a part of the Dominions of the King of Great Britain, wch. extend much further Southward than that Island — I am with all the respect imaginable

Pall Mall

June 24th 1736.

My Lord
Your Graces
most Obedt. Humble Servt.
Fitz Walter

(Enclosure.)

Whitehall Decemr 8th 1722.

My Lords,

The Marquis de Pozo Bueno, the Spanish minister hath represented that the King his master hath received Advice from the Governor of Florida of a new Fort now Building, by Order of the Governor of Carolina in the Tamoia, and the Mouths of the Talage, thirty three Leagues distant from the Castle commonly called the Fort of Florida that the said new Fort is already garrison'd with fifty soldiers tho' it be not yet compleated, and hath only five Cannons mounted according to the Information given by an Officer of Florida who was sent to view it, and was deny'd Entrance into it by the English Commander, and that the said Governor of Florida, having sent to the Governor and Assembly of Carolina to demand the Reason of building this New Fort, he was answered that they had His Brittanick Majesty's Comands to secure his Dominions by Forts and Colonies in the best manner they were able. The said Minister having further alleged, that the Fort complained of is building in a Territory belonging to the Crown of Spain and having made Instances that the

Rt Honble Lords Commrs for Trade.

same should be demolished and no other built there for the future; His Majesty hath commanded me to signify His Pleasure to your Lordships that you do examine into this matter and report the true State, therefore I am

My Lords
Your Lordships
most humble Servt
signed Carteret

B.P.R.O. A + W. I. Vol. 621.

(No date but recd with a Letter dated 3 July 1736.)

My Lord,

The Importance of the Subject makes me trouble your Grace with this long Letter, The French upon the Missisippi River, under the Command of Monsr de Bienville, in October last recd Orders from Europe to prepare for a War with ye English this Spring, which bore date about the time that his Majesty declared his Intention of sending a Fleet to Lisbon. They spent the Winter in drawing together a Body of 2500 French and wou'd only take 800 chosen Indian Warriors. They in vain attempted to gain over to their interest the Creek Indians, thro' whose Country their road to Charles Town lies. They provided Pack horses sufficient to carry Seventy Days Provision, made Magazines upon the Mobille River at a Fort there called Albamos or Fort Thorlouse, which is the nearest they possess to Carolina and to which the Pack-horses from Charles Town go in 27 Days. They were to rendevoux at Mobille in January, and to take the Field in March. In January Monsr de Bienville arrived there, and on the 10th of that month, Vessels from Europe brought him Advice That his Brittanick

Majesty's measures had been so successfull as to procure a General Pacification. On this the Troops were ordered all back, and Monsr. de Bienville gave out, That the Expedition was intended against the Chickesaws, a Nation of Indians in alliance with the English, and nearer by some hundreds of miles to the quarters the Troops came from than the Mobille. The Advanced Guard of Monst de Bienville consisting of 200 French and 100 Indians, on the 8th of March, attacked one of the Chikesaw Towns, but being repulsed, were persued by the Chikesaws into the Indian Corn fields, and after an hour's hot Engagement, the French retired in tolerable Order for three quarters of a Mile, but then being entirely broke, they left 25 French dead upon the spot and 23 French and Two Indians Prisoners, Nineteen of the French were immediately burnt. Two English Traders who had carried up goods to sell to the Chikesaws, persuaded them not to burn the French Prisoners, which their War Captain would have consented to; but unfortunately One of the French spoke English, and the Trader answering him, the Chickesaw General cried out "This is a Traitor, he" "speaks the same Tongue as they do, and he speaks" "for them, therefore burn him also". It was with much ado that the Elders of the Nation saved him. The Chikesaws pursued & three Days after met with another Body of some Hundreds of French, who guarded their Boats on the Missisippi River, but no Indians. The Engagement was very short, the French immediately taking to the Stream, where most of them were drowned, their boats having been in the beginning of the Action, sunk or burnt by the Indians. We have no Advice yet, what is become of Monsr de Bienville, but the trader who escaped burning, seeing the Indians with a Packet of Letters, procured & delivered them to me.

I have apprized Your Grace, That the Creek Indians, pursuant to the Treaty made with his Majesty in England, carried me down to ye Frontiers of his Dominions in America which are divided from ye Spanish by the River of St John's and of which the English or their Allies the Creeks have been in quiet possession before the Treaty of Utrecht. Since my last, the Governor and Council of War at Augustine have disputed our Right to St Simons and the Alatamaha but at last offered to leave all differences concerning the Limits of the Two Provinces, to the Determination of the Courts in Europe, provided I would deliver up the Fort at St George's Point, on the North side of St John's River, over against their Garrison; which I shall not do without his Majesty's Orders, if I am able to defend it. I have forbore All Hostilities, tho' greatly provoked, and have fortified in such a manner, that they do not care to begin.

I have not been yet able to go to Charles Town I sent up some of Your Graces Letters, Others I kept to carry up myself. The People seem very unwilling to comply with any of his Majesty's Orders. I was a Favorite with them when I was here before a Private man, but now they are angry, because I insist upon their paying Obedience to the Kings Commands, particularly to that maintaining the Peace with the Indians. Some of their Merchants carrying on a Clandestine Trade with ye French and Spaniards, are very zealous against every thing that settles the Indians in his Majesty's Interest, for if the Indians go to the French and Spaniards, those Merchants gain by it, because they sell to these Nations at vast prices, Goods to present and trade to those Indians. By this Act no person can go into the Indian Country, without giving security for his Behaviour, and obtaining a Licence thereupon, a Precaution absolutely necessary, since if men without Security given, went into Countries where are no Magistrates to do Justice to the Indians, they wou'd be apt to commit all sorts of Offences. If we suffered the Indians to destroy them for such Offences, we shou'd give them the Government from the King, and if we did not, they wou'd take a National Revenge of us all, and be therein underhand supported by the French and Spaniards, who are labouring all they can to promote such an Action, I thank God, there are enough honest and faithfull Subjects to his Majesty both here and in Carolina, to execute the King's Orders notwithstanding the Clamours of the Men, who can bear no kind of Government, but wou'd rather assist Foreigners, to draw Slavery upon themselves and their Posterity, than they will obey Laws made by the best of Princes for their Benefit - Excusing my being tedious is only my Letter more so, and therefore I shall only add that I am

My Lord
Your Graces
Most obedient
Humble Servant
James Oglethorpe.

B. P. R. O. So. Carolina B. T. Vol. 8. F. 34.

(15 July 1736)

At the Court at Kensington
the 15th of July 1736
Present
The Queen's most Excellent Majesty Guardian of the Kingdom of Great Britain and His Majesty's Lieutenant within the same —
in Councill.

Whereas Her Majesty was pleased by Her Order in Council of the 13th of October last to referr unto the Consideration of a Committee of the Privy Council the humble Petition of George Morley Esqr. Provost Marshall of the Province of South Carolina Setting forth (amongst other things) that there are no Goals or Places of Security erected in that Province for the confinement of Prisoners and therefore praying that such Directions may be given relating thereto as His Majesty in his Great Wisdom shall think proper. And Whereas the said Committee this day Reported to Her Majesty at this Board as their Opinion that an additional Instruction should be sent to the Lieutenant Govr. of South Carolina To require him to recommend in the most Effectual manner to the Assembly of that Pro-
-vince

-vince that they make the necessary Provisions for erecting a Common Goal or Goals and keeping the same in repair agreeable to the Practice of other British Colonys. And the Lords of the Committee having at the same time humbly offered to Her Majesty a Draught of an Additional Instruction prepared by the Lords Commissioners for Trade and Plantations for that purpose. Her Majesty was thereupon pleased with the Advice of His Majestys Privy Council to approve of the said Draught of an Additional Instruction And to Order as it is hereby Ordered that the Duke of Newcastle one of His Majesty's Principal Secretarys of State Do cause the said Draught which is hereunto annexed to be prepared for Her Majesty's Signature and transmitted to the said Lieutenant Governor accordingly. —

A true Copy

Ja. Vernon.

Recd
Read } Augst 25th 1736.

B.P.R.O. So Carolina B.T. vol. 8. F. 39

Charles Town ye 6th August 1736.

May it please your Lordships

A. By an Humble Representation which I did myself the Honour to present to your Lordships in the month of October last I took the Liberty to lay before your Lordships, for your Judgment and Direction, the Complaints of several of His Majestys Subjects of this Province Merchants and Traders to the Creek Nation of Indians, exhibited to me in Council, accompanyed with certain Proofs and Affidavits relating to the extraordinary behaviour and conduct of Captain Patrick Mackey, Agent for Indian Affairs in Georgia towards their Agents and Traders amongst the Creeks from this Province.

I transmitted at the same time to your Lordships the purport of several Letters which I had received from the Governour of His Catholic Majesty from St Augustine, and from the Commandant at Moville on behalf of His Most Christian Majesty that your Lordships might be fully apprized of the very great Umbrage Captain Mackey thro' his ill Conduct had given to those Governors

When I addressed myself to your Lordships on this occasion I thought it but just to communicate an account of these Proceedings to The Honble The Trustees for establishing the Colony of Georgia who have since thought fit to dismiss Capt. Mackay from their Service and have been pleased to signify by their Letter to me, their good Disposition to continue the Harmony and good agreement which has hitherto subsisted between the two Colonys, and at the same time to declare that they had no thoughts of claiming a Right exclusive of all other His Majesty's Subjects to trade with the Indians within the Limits of Georgia.

B. After the Honble Trustees had so fully signifyed their Good Intentions to this Province, as I was perfectly well satisfyed myself, so I was in hopes there would be no future cause of Complaint, or that I should ever more had occasion to have troubled your Lordships on this Subject.

But it is with very great Concern my Lords, that I find myself obliged to acquaint your Lordships that the Conduct of the Gentlemen who are in the Exercise of Power at Georgia have given occasion for a further Complaint of New and Additional Hardships, sustained by the Persons who exhibited the former Memorial and by many others of His Majesty's Principal Trading Subjects in this Province who have applyed as well on behalf of themselves as their Correspondents Merchants and Traders in Great Britain.

6. When the Dismission of Capt Mackey was made known and the Letters which I had received from the Trustees were communicated to the Assembly and made Public, the Traders in confidence of the Declaration made by the Trustees, thought themselves at liberty to pursue their Affairs amongst the Indians and whilst they acted in conformity to the Laws of Great Britain, and of this Province, (by which Laws only they conceive the People of this Province are obliged) they could not reasonably expect any interruption.

But finding themselves disappointed, their vessels stop'd their Goods seiz'd and their servants imprisoned by the Magistrates of Georgia and not being able to obtain satisfaction from them, they have found themselves under a necessity to apply to the General Assembly of this Province, by a Memorial which will be laid before Your Lordships, beseeching the Assembly to represent their Case to His Most Sacred Majesty and to become intercessors for them.

The Council and Assembly have went through a very strict and diligent Examination of the matters alledged and being well satisfyed of the truth and justice of their Complaints, have transmitted to Great Britain an Humble Petition and Representation to His Majesty and have implored His Majesty's Protection and Relief.

2. The Several Facts which have been the foundation of the Complaint of the Merchants and Traders, and the sense which the Council and Assembly of this Province have entertained of the Proceedings of the Persons in power at Georgia are fully explained in the Petition of the Council and Assembly to His Majesty which I humbly conceive will in the usual manner be refered to Your Lordship's Board, and therefore I apprehend Your Lordships will very naturally and justly expect it, as a Duty incumbent on me to lay before Your Lordships, some account of the Proceedings which have been had on this Affair.

As to the Facts which are alledged in the Petition to His Majesty. I presume the Proof of them will come before your Lordships in another way, and therefore I shall only crave the Liberty to give your Lordships a short View; of what I apprehend, to be the Principal Matters in difference between the two Colonys and to submit to Your Lordships such Observations as have occur'd to me during the Course of this Proceeding.

The Complaints which are made the Subject of the Petition to His Majesty consist of several Particulars which I have endeavoured to separate and distinguish that I may the better apply the Remarks which are humbly offered to your Lordships Consideration.

E. It is complained that the Persons in Power at Georgia taking for their Authority an Act passed by the Hono^{ble} Trustees Intituled an Act for maintaining the Peace with y^{e} Indians in the Province of Georgia do among other things claim the sole Power of granting Licences to trade with the Indians that lye within the Limits of Georgia, or with such Indians as are to the Southward of those Limits and insist on a Right to seize the Goods and Effects and to imprison any Person whatsoever, who shall presume to trade with the Indians, or shall travel thro' Georgia with Goods for that purpose without Licence from the Magistrates of Georgia.

F. Your Lordships will easily perceive the Extent of this Claim and that it is not consistent with the Declaration, the Hon^{ble} Trustees have been pleased to make, in the Letter which I before have mentioned to your Lordships Viz^{t} That they have no thoughts of claiming an Exclusive Right to the Trade with the Indians. For if the Magistrates of Georgia have the Sole

Power to grant Licences, they have a right to judge of the Qualification and Fitness of the Persons to be licenced and consequently may refuse to Grant licences to such Persons as they shall think fit, which is virtually and in effect an Exclusion of any Person whatsoever, at their Will and Pleasure from a Liberty to Trade with the Indians.

The Assembly pay all imaginable deference to an Act which has received His Majestys Royal Approbation. But they cannot conceive that an Act passed by the Trustees of Georgia, and confirmed by His Majesty can receive a different Construction or be of any greater force or Effect, than any other Act pass'd in any other of the American Colonys, by virtue of an Authority derived from the Crown and which has received His Majesty's allowance. Tis conceived that every such Act is Obligatory on the People of the Colony for which it was made, but not on the People of another Colony, who are no Partys to the same.

It is also humbly conceived that when His Majesty confirmed the Act of the Trustees, he only intended that it should be a rule to such Persons as trade from Georgia, but that his Subjects in the rest of the Colonys, were left to the Regulations of the Particular Laws made for them within the respective Jurisdictions which His Majesty has assigned them.

If there was a necessity for making a Distinction between the Power granted to the Trustees of Georgia to make Laws, and the like Authority which His Majesty has given to the Governour and Council with the Consent of the Freemen of this Province, it might be justly observed, that the Acts of the Trustees have not the force of Laws until His Majesty has confirmed them but the Acts of the General Assembly of this Province are binding from the time of passing, and His Majesty has only been pleased to reserve to himself a Power of Disallowance.

G. From some instances which I shall beg the Liberty to mention to your Lordships, the Assembly have been encouraged to think that His Majesty did not intend by giving his assent to the Act of the Trustees of Georgia or by any other Act, to restrain the Subjects of any part of His Majestys Dominions, from trading with any Nation of Indians whatsoever on the Continent of North America. They conceive the Indians to be a free and independent People, who have neither by Conquest, Cession or Compact become the Subjects of any Prince in Europe. They sometimes trafique with the Subjects of France and Spain, but chiefly with those of Great Britain. The Treaty of Peace and Commerce which was enter'd into by His Majesty's Command with the Charokee Indians at your Lordships Board in the year 1730 confirms the Assembly in the Opinion that His Majesty by commanding a Treaty and League to be made with the Indians; esteemed them the Friends and allies of his People in America, and not as Subjects to the Crown of Great Britain, and I humbly beg leave to offer to your Lordships remembrance that Her late Majesty Queen Anne was pleased to disallow an act which had been passed in this Province, to oblige the People in Virginia to take Licences from this Government to trade with the Charokee Indians, who then were and still are seated within the Limits of the Charter granted to the late Lords Proprietors of Carolina.

Her said late Majesty, as 'tis humbly apprehended, and as we have been informed, judging that it was inconsistent with the Liberty of Her trading Subjects to be restrained by an Act of any particular Colony in America, from trading with an Independent People, in Friendship with the Crown of Great Britain and who were in the full possession of all natural Rights

Your

it. Your Lordships will readily perceive what influence this Example must have on the minds of the People here, and in what light they must look on the Act of the Trustees, when 'tis fresh in their Memory, that an Act of the same Nature, and directly the present Case met with the Disapprobation of her late Majesty on the very first application from her Subjects in Virginia.

The General Assembly of this Province acknowledges with the Gentlemen who have the care of Georgia, that the Interest and safety of both Colonys depend in a great Measure on a due regulation of the Indian Affairs and they have been always ready by a Junction of Councils to promote the Common Security but they apprehend it to be inconsistent with the Freedom of Englishmen, to receive Laws from the Trustees of Georgia made without their Participitation sic or Consent, and they have the less reason so to do, as 'tis acknowledged by the Gentleman who has at present the Chief Direction of Affairs at Georgia, in a Letter to the Speaker of Our Assembly, that the Act which the Hon^ble^ Trustees have made concerning the Indian Affairs, is the same in Georgia as the former Indian Acts were in Carolina. The Acts made in

Carolina are still subsisting and in full force, they are made by an Authority derived from the same Fountain of Power with the Act made for Georgia; and 'tis allowed the regulations are the same. But the Assembly are far from thinking that the People of Georgia are obliged to submit to the Laws of this Province, any more than that it is reasonable for them to expect that the Laws of the Trustees shall take place here.

The General assembly of this Province Alledge that as they have a power of making Laws, as well as the Trustees of Georgia, so they hope that without Vanity, or assuming too much to themselves or detracting from the sufficiency of others, they are (under His Majestys favour and protection) proper and Competent judges of their own Security, and that from the Experience of Seventy Years they may be presumed to be at least equally capable with those who reside at Georgia, and who have had so short an acquaintance with America to manage and direct the affairs of the Indians; nor can it be doubted but that it is as much their Interest to secure them selves, since they are in Possession of Valuable Propertys acquired by the Labour and Industry of many Years, and defended at their own Charge, during a tedious and cruel War, at the Expence of the lives of many of His Majesty's Loyal and brave Subjects.

I. The People of South Carolina have exerted their utmost ability towards the assistance and Encouragement of the Colony of Georgia, and they have the most Ardent wishes that the People there may flourish and prosper. They are neither Ignorant nor unmindful of the Strength and Security which that Settlement may be to the Frontiers of His Majesty's Dominions in North America. But whilst they are sollicitous for the Prosperity of this Colony, and acknowledge the advantages which may arise from her success, they think they shall pay a tribute too dear if they are to forfeit the Benefits derived from His Majesty's just and glorious Administration and from a Constitution which His Majesty has been ever zealous to maintain by being obliged to submit to the Laws of a Society of which they are not members and to whom in their Corporate Capacity they have no sort of relation.

K. I am aware that the Gentlemen of Georgia object that their Act has a Local as well as personal Obligation, and that the Laws of Georgia must be observed within the Limits of Georgia. In answer to this Objection the following Questions have been raised viz^{t}. Whether the Act of the Trustees can bind a free and Independent People who live within the Limits of their Charter or can obstruct the Subjects of any other Colony. from a free and open Trade with them? Or whether any of His Majesty's Subjects can be restrained by an Act made by the Trustees of Georgia, tho' confirmed by His Majesty from carrying their Goods through Georgia, to any Nation of Indians which lye beyond them, or whether such Restraint can be laid by any other authority than that of the Parliament of Great Britain?

These Questions My Lords have been debated with great freedom here and therefore I thought it my Duty to make Your Lordships acquainted with them. They are of too nice a Consideration for me to enter into. It is a Presumption I have carefully avoided but I hope it will be satisfactory to your Lordships that since such Questions have been stir'd amongst us that they should be submitted to Your Lordships Examination, that if there be any Error on either side, the People may be undeceived an the Quiet of the Province settled.

L. There is one Circumstance, which if it was consistent with my Duty I should be glad to pass over. It has greatly inflamed Mens minds and I have too much Reason to dread the consequence. The Gentlemen in Power at Gerigia have sent an Armed Force amongst the Charokee Indians to seize the Traders with their Effects who are licenced in pursuance of the Laws of this Province to trade with that Nation of Indians, what may be the Event of so sanguine a Proceeding amongst the Savages at 300 Miles distance from the Inhabited parts of Georgia, or this Province I can't foresee, but have too much reason to fear, It is thought very extraordinary, that an armed Force should be sent before any resistance, before any Legal Process or stated Method of Proceeding. Besides the Umbrage such a step may give to the Indians, the People of this Province will think themselves in a very precarious situation, if they may at any time be invaded by a Military Force at the Arbitrary Will and Pleasure of the Magistrates of Georgia, or those who have the Direction of them.

I am persuaded your Lordships will not expect that I should make any further remarks on this Proceeding. If the Indians are provoked they make no distinction amongst English Men; this Province must share with Georgia in the Effects of their Revenge

With your Lordships Permission I shall proceed to take notice of another part of the Complaint which creates an equal uneasiness in the Minds of the People of this Province.

m His Majesty has a Garrison settled about three hundred Miles by Water from the Entrance to the North side of Savannah River, maintained for many Years at the sole charge of this Province. By His Majesty's Command a Township has been lately settled on the same side of the River, and there are about one hundred Inhabitants who have already fixed themselves there. They are a Frontier to the Township of Purysburgh also lately settled on the same side of the River at the Expence of upwards of thirty thousand pounds this money And His Majesty's Subjects of this Province have made several large Plantations on the North side of the River. A Commerce with these Settlements cannot be conveniently carryed on, without the use and Navigation of the Savanaa River, to which the Inhabitants in these Parts conceive they have an undoubted right.

But it will be made appear to your Lordships, by several Authentic Proofs that under Colour of an Act passed by the Trustees of Georgia and allowed by His

Majesty Intituled An Act to prevent the Importation of Rum into Georgia, The Magistrates of Georgia have caused several Vessels bound to His Majesty's Garrison and the Plantations and Settlements on the North side of the River, to be stop'd, the Bales of Goods and Packages to be opened, the Persons of the Boatmen with their Boats and Effects detained and several Quantitys of Rum to be staved alledging for cause that they had imported rum into Georgia contrary to the aforementioned act.

n This Matter was represented to Mr. Oglethorpe and he had been pleased to direct Mr. Causton one of the Chief Magistrates to make a Report of the Affair which Report has been sent hither and will be laid before your Lordships, and this is all the Satisfaction that has hitherto been given.

I humbly conceive that this Report will hardly bear Strict Examination, I shall content myself with observing to Your Lordships that according to Mr. Caustons own account of the Affair the Boats stopped" were bound to Savanna Town in the Province "of South Carolina with Goods to be landed there "for Indian Trade, and that amongst other things "there were several Casks of Rum, and 'tis added that "they had a Permit from the Governor of South Carolina."

This is, all that appears either from the Report of the Officer who seized or from the Confession of the Partys, Mr Causton thinks fit to add an Allegation of his own, "That Shepherd and Bernardo (the Boatmen) "had knowingly and in Opposition to the Act, imported "Rum or some such distill'd Liquor for Indian Trade "or otherwise in violation thereof."

It will be very obvious to Your Lordships that Mr Causton's Assertion is by no means supported by the Fact related. For to carry Rum by the Savanna River to Savanna Town in South Carolina for Indian Trade or any other Purpose whatsoever can never be called importing Rum into Georgia.

O. Upon Perusal of the Charter of Georgia Your Lordships will perceive that His Majesty has granted "All the Lands and Territories which lye from the most "Northern Stream of the Savanna River all along the "Sea coast to the Southward unto the Most Southern "Stream of Allatamaha River and all that Square "Circuit and Precinct of Land within the Boundarys "afd &c." now it is humbly apprehended that the Northern Stream of Savanna River from which one of the Boundarys of Georgia is settled cannot be said to be within the Boundarys of Georgia, and consequently that Goods passing along the Savanna River to Places lying on the Northern Shore can never be deemed an Importation into Georgia.

But if it was to be allowed that the Savanna River was granted to the Trustees of Georgia, it will be offered to your Lordships Consideration whether there is not a known distinction between the Property and Passage of a Navigable River and whether all Navigable Rivers within His Majestys Dominions are not free and open to the Passage of all His Subjects in the same manner as are the King's Highways altho' the soil may be the Property of a Private Person?

P. The Permit or Letpass on which Mr. Causton seems to have grounded his Suspicions, it is true was in general Terms, and was given on purpose and on this very occasion, to prevent interruption on any pretence whatsoever; for the Subjects of this Province whilst they are passing from One part of the Province to another think they have no need of a Particular Permission and Your Lordships will be pleased to determine whether this Letpass could justify Mr. Causton in his Suspicions that the Bearers were about to Import Rum in Georgia, when the Letpass expressly declared that their Goods were to be landed at Savanna Town on the North side of the River within the Province of South Carolina to which the Boats and Goods did actually belong, and when it was not objected or so much as suspected that there was any Intention of Landing the Rum on the opposite Shore. I am fully persuaded Your Lordships will never be of Opinion that the Propertys of His Majesty's Subjects are to be seized and confiscated upon the Suspicions or uncertain Surmises of any Person whatsoever.

2 To prevent Mistakes in Point of Seituation, before I conclude, I hope it will not be thought impertinent if I acquaint your Lordships in this Place that there are two Places on the Savanna River known by the same name Savanna Town in Georgia is on the South side of Savanna River about twelve miles from the Entrance. There is another place called Savanna Town where His Majesty's Garrison is settled on the North side of the River about one hundred and fifty miles from Charles Town in South Carolina and about three hundred Miles from the Mouth of the River, and is now generally distinguished by the name of Old Savannah Town and is in South Carolina.

R My Lords I have now concluded the Remarks which

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I have taken the Liberty to lay before Your Lordships. I have rather exhibited the Opinions and Observations of the Council Assembly and Partys concerned than given my own sense of things. I have been careful in the exercise of my Private Judgment concerning them because I have thought it my Duty to wait His Majesty's Commands and Your Lordships Directions by which I am to be wholly guided and determined.

It has been my chief Study and Attention to prevent all Heat and Passion which are too apt to break out in Debates of this Nature, and I must do Justice to the Council and Assembly in assuring your Lordships that they have conducted matters with great respect to the Hon^{ble} Trustees of Georgia and with a due consideration of those who are in Power there; but above all things have shewn their Humble desire and most dutiful Expectation of his Majesty's Pleasure.

After the Declaration of the Honb^{le} Trustees. It is impossible to entertain an Opinion so injurious to Persons of their Quality and Distinction, as to imagine they have authorized or will countenance the Proceedings of those who reside at Georgia. Altho' His Majesty's Royal Name as well as the Names of the Trustees have been very freely used to give a sanction to the violences which have been complained of.

The Council and Assembly have rather represented Matters and treated with the Gentlemen of Georgia than pursued any active measures in the Defence of what they conceive to be their just Rights, and even at this time whilst an Armed Force is gone from Georgia to seize the Traders from this Province and their Effects amongst the Indians, a Committee of the Council and Assembly are gone to Georgia to treat with Mr. Oglethorpe on the Subject of these Disputes.

8. My Lords I assume nothing to myself on this occasion. I have earnestly pressed and recommended the Moderation which has been observed, because I knew 'twas my Duty, and I humbly hope my sincere Endeavours have had their due Influence here, and will meet with his Majesty's Approbation and Your Lordship's Countenance at home, and I am encouraged to think that nothing will more recommend the People of this Province to His Majesty's Favour than their chearful and ready submission to his Royal Will and Pleasure which has ever been their constant inclination and endeavour, because they are firmly assured of His Majesty's Gracious and steady Purpose to defend and protect his Subjects in every part of

His Dominions, in the full and uninterrupted Possession and exercise, of all the just Rights Libertys and Priviledges, which they are intituled to, by the Laws and Constitution under which they live.

I am with profound Respect
My Lords
Your Lordships most
humble and most Obedt. Servt.
Tho. Broughton

The Rt. Honble. Lord Commrs. for Trade &c.

Recd }
Read } Novem. 9th. 1736.

B.P.R.O. So Carolina B.T. Vol. 8. F. 38.

Charles Town ye 16th Augst 1736

May it please your Lordships

Since I did myself the Honour to write to your Lordships on the affairs of Georgia I have received some Advices which I conceive to be of such Importance that I ought to loose no time in making them Know to your Lordships.

Monsieur Bienville Governour of the French Settlements at Moville assembled together the last Winter a great number of Forces White men and Indians. He applyed himself with much Diligence to the repairing of the Forts and building new ones, and in furnishing them with a large Store of Provisions. It was the Common Report at New Orleans all the last Winter that France was to declare War against England in the Spring, but a ship arriving in January last from Europe News was brought that a General Peace was concluded Monsieur Bienville upon this Advice gave out that he had never any other Design than to attack the Chickesaw Indians a People who live about seven hundred Miles from this Place and are Friendly to the English. But the Preparations which were made, have the countenance of a much more extensive Project, for the French on the Missisippi River were joined by great numbers from Canada at the Head of the Ilonois a considerable body of Indians. In March last one hundred and twenty five men under the Command of Monsieur Piaget passed by the Fort of Pradhome, and in april the vanguard of the French army consisting of two hundred Whitemen and four hundred Indians attacked the Chickesaws in their Towns. They were repulsed with the loss of about forty White Men the Indians were driven home and several Prisoners taken amongst whom was the Commander in Chief of the Party said to be a relation of Monsieur Bienvilles

Your Lordships will not easily believe that so great an Armament was raised barely for the sake of destroying a Tribe of Indians which at the most do not consist of above four or five hundred men.

The French have settled a Communication from Canada to the Mouth of the Missisippi River and we have too much reason to apprehend, from frequent attempts of this sort that they are endeavouring to destroy the Indians in Friendship with the English, or to force them into their Service during the time of Peace, that they may be enabled whenever a War shall happen, to gain an easy Passage and without Interruption to attack any of the English Settlements on this Continent. The Consequence of which is humbly submitted to Your Lordship's consideration.

I am with the greatest respect
My Lords
Your Lordships
Most Obedient and most
Humble Servant
Tho: Broughton

The Honble the Lords for Trade &c.

Recd Novembr 1 } 1736
Read Do 3 }

B. P. R. O. So Carolina B. T. Vol. 8. F. 40.

(7 Oct. 1736.)

Mr Popple

When Mr Wragg and I attended your Board last, the Lords were pleased to command us to give them an Acct. of the Boundaries of the two Baronies which Mr Wragg petitioned His Majesty for, but the Plans which the Duke of Beaufort had of them can't be found.

I have therefore herein sent to you the best Account of their Situation, as Mr Wragg can remember. The Copy of the Draught being in Carolina.

He expects every day an account of the Arrival of some Germans in Holland in order to be transported to that Province.

I am Sr

Your very humble

Servant

Ri. Shelton.

Octr 7th

1736.

Recd Oct. 11 } 1736
Read Nov. 12 }

(Enclosure)

(Enclosure.)

One Barony containing twelve thousand acres of land upon Craven River in Craven County formerly laid out for His Grace the Duke of Beaufort & Joyns upon the So East part of a Barony Laid out unto Mr John Danson.

And One other Barony containing twelve thousand Acres of Land in Granville County upon the River may laid out also for His Grace the Duke of Beaufort & Joyns to the Westwd on a Barony laid out to Mr John Danson upon the sd River May.

B. P. R. O. A & W. I. Vol. 621.

(Enclosure to Letter from Bd of Trade to Duke of Newcastle dated October 22nd 1736.)

Extract of a Repn dated the 20th of June 1728 relating to the Settlement of Carolina

That Carolina was formerly known by the names of Florida, & Carolana Florida, This province was first discovered by Sir Sebastian Cabot in the Year 1497, who by Commission from & at the Expence of King Henry the 7th discovered all the Coast of America from the 56th to the 28th Degrees of Northern Latitude about 30 Years before any other Europeans, had visited the Northern Continent of America: And it does not appear that ever the Spaniards attempted any discovery of that part of America till 1527, under Pamphilo Narvaez, nor any Conquest till 1539, when Ferdinando Soto landed upon Florida from the Havana and wandering over a great Part of that Country in search of Mines which he could not find, dyed of Grief in May 1542, and such of his Men as were left alive, returned again to the Havana without making any Settlement on that Continent.

The First Grant that we find, of this Country by your Majesty's Royal Predecessors was by King Charles the 1st in the 5th year of his Reign to Sir Robt. Heath his attorney General, in that Patent it is called Carolana Florida, & the Boundaries fixed for it are from the River Matheo in the 30th Degree to the River Passa Magna in the 36th Degree of Northern Latitude.

We have good reason to believe that Possession of this Country was taken under the said Patent, & large sums of Money expended by the Proprietor and those claiming under him in making settlements there, But whether this Grant was afterwards surrendered or whether the same became vacant & obsolete by non User or otherwise, King Charles the 2nd made two other Grants of the same Country with some small difference in the Boundaries, to the Lords Proprietors of Carolina.

The last of these Grants bears date the 30th day of June in the 17th year of King Charles the Second's Reign and gives to the Lords Proprietors all that part of North America which lyes between the 36th & 29th Degrees of Northern Latitude.

Fort King George upon the River Alatamaha now complained of by the Spaniards, lyes within the Bounds of both the abovementioned Grants to Sir Robert Heath

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& to the Lords Proprietors, who have made and continued many flourishing Settlements in Carolina, whereas it is notoriously known that the Spaniards have never maintained or kept possession of any in those Parts except St Augustine; And your Majesty might with as much reason contest their Title to that Settlement as they dispute Your Majesty's Right to Fort King George which was neither settled by the Spaniards nor any other European Nation, when Your Majesty's Troops first took possession of that Place whereon that Fort was afterwards Erected.

This is not the first time that disputes have arisen between the two Crowns of Great Britain & Spain, concerning their respective Dominions in America: But to prevent all contests of this sort in Times to come, a Treaty was concluded at Madrid in the year 1670 by the 7th Article of which Treaty it was expressly agreed between the then Kings of Spain and Great Britain that the King of Great Britain and his Heirs should hold & enjoy for ever all those Lands & Places in any part of America which the said King of Great Britain or his Subjects then held or possessed, which Treaty is subsequent to the two Grants to Sir Robert Heath,

&

& to the Lords Proprietors of Carolina, & to the making of several Settlements under both the said Patents, It is therefore matter of surprize that the Spaniards should now pretend a Title to a part of a Province which they have so long ago given up by the said Treaty, which hath been confirmed by many subsequent Treatys between the two Crowns.

B.P.R.O. So Carolina B.T. Vol. 26. p. 185

9th Nov. 1736

To Colo Broughton, Lieut Govr & Commander in Chief at South Carolina

Sir,

I am commanded by my Lords Commissioners for Trade and Plantations to acknowledge the Receipt of your Letter to them of the 16th of August last, giving an Account of the French Governor of Movile's having attacked the Chickesaw Indians A Nation in Friendship with the English. My Lords have laid an Account of this Transaction before the Duke of Newcastle, One of His Majesty's Principal Secretary's of State, for His Majestys Pleasure thereon. But as you have not been so explicit in your Letter as My Lords could have wished, I am to desire you will inform them, as soon as may be, from whence you received the Advices concerning this Affair and that you will send them a more particular Account of this Transaction than that you lately have given them. I am likewise to desire to know whether any, and what Treaties have been made with these Indians on the Part of the English and when. And any other Information concerning them, which you can furnish their Lordships with. Have you seen any of the Chickesaw Indians or can you get any particular Information from them relating to this affair

I am
Sir
Your most humble Servant
A. P.

Whitehall
November 9th 1736.

B.P.R.O. So Carolina B.T. Vol. 26. p. 186.

24th Novr 1736

To the Right Honourable the Lords of the Committee of his Majesty's most Honoble Privy Council

My Lords

We have had under our Consideration, your Lordship's Reference of the 14th of August 1735, with the Petition therein inclosed of Mr Samuel Wragg of London, Merchant, formerly One of the Council of South Carolina, and of Mr Joseph Wragg his Brother now in that Province, and One of his Majesty's Council there; praying that His Majesty will be pleased to order, that a Tract of Twelve Thousand Acres of Land in Granville County on the River May, formerly granted to the Duke of Beaufort, but now surrendered to the Crown, may be set out for the Petitioner Samuel Wragg: and that another Tract of Twelve Thousand Acres of Land at Wyniaw, in Craven County formerly granted to the said Duke of Beaufort, and now become vacant Lands, may be set out to the Petitioner Joseph Wragg, in order to their planting and Settling the said Lands.

Upon the subject of this Petition We have been attended by Mr Samuel Wragg, One of the Petitioners, and they are willing to engage themselves, not only to pay the usual Quit Rent of four shillings Proclamation Money for every Hundred Acres contained in their Grant from the Date thereof, but to transport thither at their own Expence three hundred Persons, within the Term of five Years.

They have also proposed to pay their Quit Rent either in Carolina or in London: But as there are proper Officers in the Province of South Carolina to whom every Person who holds any Land there is accountable for the Quit Rent in the Province, or whether the Quit Rent to become due upon these two Tracts, shall be paid into the Treasury here.

With regard to the Petition in General, We see no Objection why His Majesty may not be graciously pleased to comply with the Prayer thereof, provided Orders be sent to the Governor of the Province, that he take care in making the Grants Petitioned for to except out of them such parts thereof if any as may already be Granted to or settled by any other Person, that the Petitioners be obliged to import into the Province three hundred Persons within the first five Years, from the Dates of their Grants; and that the aforementioned Quit Rent do commence from the Dates thereof

We are
My Lords
Your Lordship's
most obedient and
most humble servants
Fitz-Walter.
T. Pelham
M Bladen
R Plumer

Whitehall
November 24th 1736

B.P.R.O. So Carolina B.T. Vol 8. F 42

(8th Dec. 1736)

At the Council Chamber Whitehall
the 8th day of December 1736

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

Her Majesty having been pleased by Her Order in Council of the 24th of last Month to referr unto this Committee the humble Petition and Representation of the Council and Assembly of His Majestys Province of South Carolina complaining of several Obstructions given to the Trade of that Province by the Persons Employed in the Government of the new Colony of Georgia:- The Lords of the Committee this day took the said Petition and Representation into their Consideration and are hereby pleased to referr the same (a Copy whereof is hereunto annex'd) to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to this Committee -

Temple Stanyan

Recd December 14th } 1736
Read Do Do }

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To the Kings most Excellent Majesty
The Humble Petition and Representation of
the Council and Assembly of Your Majesty's
Province of South Carolina.

May it please Your Majesty

We Your Majesty's most Dutiful and Loyal Subjects the Council and Assembly of your Majesty's Province of South Carolina now met in general Assembly at Charles Town in all Humility beg leave to approach your Sacred Person and to return Our humblest thanks for the many Instances of Your Majesty's Paternal care and goodness extended to us your Majesty's faithfull Subjects and to repeat the assurances of Our Sincere and inviolable attachment to your most Sacred Majestys Person and Government and that of your Majesty's Illustrious House and at the same time humbly to implore the Continuance of of Your Majesty's Royal Favour and Protection.—

Your Majesty's Subjects the Inhabitants of this Province with hearts full of Gratitude being highly sensible of the many Instances of your Princely care and concern for the Safety & Happiness of all your People think themselves under the greatest obligations to acknowledge the just sense they have of Your Majesty's
Goodness

Goodness in establishing the Colony of Georgia by Your Royal Charter for the relief of many of Your Majestys poor and indigent Subjects for the Security and Defence of the Frontier of Your Majestys Dominions in North America and for the increasing and extending of the British Commerce. In furtherance of which Your Majestys most Gracious Intentions the People of this Province excited by Your Majestys great Example ecerted their utmost Ability in Assisting of that New Settlement with Supplys of Men + Money and in performing all other Offices of Friendship and Humanity in Consideration whereof Your Petrs had the greatest reason to expect that the Inhabitants of Georgia would ~~would~~ on all occasions have testified their good disposition to have lived in Friendship and to have preserved a good understanding with Your Majtys subjects in South Carolina But it is with the greatest grief and concern that your Petrs find themselves constrained from the repeated Injurys received from the Magistrates + People of Georgia to make their Conduct known to Your Majty a Conduct which if pursued in all appearance will endanger not only the Peace and Tranquillity of Your Majtys Subjects in this Province but also of other Parts of North America.—

It is upwards of Seventy Years since Our Ancestors faithfull Subjects of Your Maj^{tys} Royal Predecessors moved with a Pious + laudable Zeal for the propagating the Christian Faith and knowledge and enlarging the British Empire and Dominions (at their no small expence and hazard and without any Burthen or Charge to the Crown or Kingdom) under-took the Planting a Colony of British Subjects in this Province in which through the Blessing of Almighty God and the favour and indulgence of your Majesty and Your Royal Predecessors and their Industry Care and Economy they formed an Establishment from whence they have grown and become a People of no inconsiderable Trade and Commerce and as they humbly hope of some Advantage to Great Britain not only in the Consumption of their Woollen and other Manufactures but also in the Extension of the British Trade and Empire several hundred Miles among the Native Indians.

We humbly pray leave to add that the Security and Welfare of this Province (next under God and the Wisdom and Goodness of your Majesty) hath been owing to nothing more than the Regulations which from time to time have been established by the Legislative Authority of this Province derived under the Crown of Great Britain with regard to the Trade and Commerce carryed on from hence with the several Nations of Indians almost surrounding Us and that it is by these means alone that We have been able to preserve a general Peace and Friendship with them for upwards of these twenty Years last past.

That before these Regulations tooke Place Your Majtys Subjects of this Province were under great difficultys to preserve at best but a precarious Peace and Friendship with the Indians And this alone has had the Principal Attention of the Legislature of this Province as they have ever found that to cultivate a Harmony and good understanding with the Indians was a matter of the last consequence to the Province To this end have all Our Councils been directed and having at length by the experience of many years found it necessary we established these regulations which at present subsist for carrying on an open and free Trade and Commerce with those Indians as best conducive to preserve Peace and Friendship with them.—

We humbly beg leave further to represent to Your Majesty that we had good reason to hope and expect that agreeable to Your Majestys Royal Intentions the Settlement of the Colony of Georgia would have tended as well to the further Security of Your Majesty's Subjects of this Province against the Indians as to the Private advantage and emolument of that Colony by their acting in Concert with your Majestys Subjects of this Province in all affairs with the Indians and this We judged the more reasonable as we humbly conceived that from a long and carefull observation of Events We might be supposed to be better acquainted with the Nature, Customs, Dispositions and Views of the Indians than Your Majestys Subjects of that Colony from their Short Standing could possibly be; at least We expected they would never act in such a manner as to exclude Your Majestys Subjects of this Province from any Commerce with the Indians nor offer to impose upon us such Terms as would be too grievous a Burthen to be borne and which would in Effect amount to an Exclusion not only from the Trade but in consequence of it from all manner of Correspondence with the Indians and of all means of treating or negociating with them for the common safety.—

But instead of finding these reasonable expectations answered a very different Conduct is observed by the Gentlemen who have the administration of affairs at Georgia which will effectually exclude Your Majestys Subjects of this Province from any sort of Commerce with the Indians tho' without such a Commerce 'tis impossible to Secure our Interest amongst them or to provide for the safety of the Province. For We beg leave to acquaint Your Majesty that the Magistrates or those who are in the Exercise of Power at Georgia Assume an Authority of Obliging all Persons whatever tho' residing in other Colonys to go thither and take out Licences to Trade with the Indians and of threatening to Imprison such of Your Majestys Subjects of this Province and to Seize and Confiscate such of their Goods as shall be found in the Indian Nations without Lycence first Obtained from Georgia notwithstanding such Persons are or may be Licensed from this Province & have given Bond here for the observation of all the necessary Regulations which the Laws of this Province require which Laws were previously made and are the same in substance with those the Traders from Georgia are obliged to Observe contrary as we humbly conceive to Your Majesty's gracious Intentions and the Rights and Libertys of their Fellow subjects. And the better to accomplish their Designs they have sent an armed force into the Indian Country to be employed against your Majestys Subjects of this Province. a Proceeding which unless speedily prevented by your Majesty's most Gracious Interposition may be of the most fatal Consequence and may give such Umbrage to the Indians by nature Jealous that this Province as well as Georgia may soon be involved in Blood and Confusion. -

Permit us most Gracious Sovereign further to lay before your Majesty that in this your Province are near fifteen thousand Souls of the White Inhabitants Subjects to your Majesty whose Safety in a great Measure depends on the well Conducting and management of Affairs with the Indians But under Colour of the Act past by the Trustees of Georgia for preserving Peace and Friendship with the Indians and which your Majesty has been pleased to Confirm an Authority has been assumed under the Sanction of your Royal name and matters have been so ordered by the Magistrates and those who are in the Exercise of Power in Georgia that the lives and Fortunes of many of your Majestys good Subjects will be endangered than then which We are assured nothing could be more distant from Your Majestys Gracious Intentions when you was pleased to Confirm that Act. And we beg leave in all Humility to say that we cannot conceive that the Act so confirmed by Your Majesty can give any Countenance to the People of Georgia to take upon themselves the Sole Management of Indian affairs for several of Your Majesty's Colonys in North America. A Task to which a People so lately Settled in America and so little acquainted with the Customs and manners of the Indians cannot reasonably be supposed to be equal and who have very lately given by the ill Management and Conduct of their agents and Officers too flagrant Proofs of their Insufficiency in matters of so great Importance to the Peace and Security of Your Majestys Subjects

We doubt not that your Majesty in Your great Wisdom will Consider that a Rash or Imprudent step taken in any one of Your Majesty's Colonys with respect to the Indians may embarrass all the rest. The Indians possess the Inland parts throughout the whole Continent of North America and 'tis a known and avowd Principle amongst them that an Injury done by one Man of any Nation is to be revenged on the whole. From these Considerations and from Your Majestys known Justice and repeated assurances of preserving all Your Majestys Subjects in the uninterrupted enjoyment of all their Rights and Priviledges. We are encouraged to think that the above mentioned Law was only intended by Your Majesty to regulate the Persons who should trade with the Indians from your Majestys Colony of Georgia and was not designed to prohibit Your Majestys Subjects of this Province from Trading with the Creek Cherokee & other Nations of Indians in Friendship with them without their being obliged to take Licences from Georgia when they were before under the same Regulations by the Authority of the Laws of this Province. And this we are further induced to believe as your most sacred Majesty was graciously pleased by the Right Honourable the Lords Commissioners for Trade and Plantations to enter into a Treaty of Friendship and Commerce with the Head of the Cherokee Indians at London on the 7th day of December in the fourth year of your Majestys most Auspicious Reign & thereby to declare "That Your Majesty had Ordered Your People and Children the English in Carolina to Trade with the Indians and to furnish them with all manner of Goods they should want and to make hast to build Houses from Charles Town towards the Towns of the Cherokees behind the great Mountains and that that Treaty of Peace and Friendship between the English and Cherokees should continue as long as the Mountains or Rivers should last or the Sun shine — And also from a Treaty of Friendship and Commerce of the same Import made and entered into by His Excellency Robert Johnson Esqr late Governor of this Your Majestys Province soon after his arrival in this Province in the name of your most sacred Majesty with the Kings and Headmen of the Upper and Lower nation of Creek Indians which Treatys are as we apprehend hitherto subsisting and in their full Force and are so understood to be by those Indians. As the preserving the Peace and Friendship with the Indians towards all Your Majestys Subjects and thereby an ecclusion of all Foreign Powers from any Interest among them is, as it ever has been, Ours so it ought to be the principal Aim and Intention of all Your Majestys Provinces from which any Trade is carried on among them. And as it was not necessary to the obtaining these good ends so it seems not to have been Your Majtys Royal Intentions that your Subjects of one Colony should be laid under the very great hardship of travelling two three or four hundred Miles (for so much and more are some of Your Maj^{tys} Subjects who trade among the Indians distant from the Town of Savannah in Georgia) to take out a Licence and enter into Obligations to observe the Rules and Regulations prescribed in another Province when the same may be as effectually done and with much more ease to Your Majesty's Subjects in the respective Provinces from which the Trade is negociated and for which with regard to this Province effectual Care for many years past hath been taken and is by the Laws now in being Enacted and Passed by Virtue of Your Majestys Royal Authority.

Your Majesty will be graciously pleased further to give us leave on the reiterated Complaints of Your Majesty's Subjects of this Province to the Legislative Powers thereof humbly to lay before Your Majesty the violent and as we humbly conceive unjustifiable Proceedings of the Magistrates of Savannah in Georgia in infringing the natural Rights and Libertys of Your Majestys Subjects of this Province by Stopping their Free and open Navigation of the River Savannah and preventing their carrying their Goods and Merchandize up the same into other Parts of this Province Your Majesty hath indeed been graciously pleased by Your Royal Charter for establishing the Colony of Georgia in America To give and Grant to that Corporation and their Successors (under the Reservations Limitations and Declarations therein after expressed) Seven undivided parts the whole into eight equal parts to be divided of all those Lands Countrys and Territorys Scituate lying and being in that part of South Carolina in America which lye from the most Northern Stream of a River there commonly called the Savannah all along the Sea Coast to the Southward unto the most Southern Stream of a certain other great Water or River called the Alatamaha and Westward from the Heads of the said Rivers respectively in direct lines to the South Seas, and all that Space Circuit and Precinct of Land lying within the said Boundarys with the Islands in the Sea lying opposite to the Eastern Coast of the said Lands within Twenty leagues of the same which are not already Inhabited or Settled by any Authority derived from the Crown of Great Britain Together with all the Soyles Grounds Havens Ports Guephs and Bays &c Rivers Waters Fishings &c Jurisdictions Royaltys Franchises Privileges and Preheminences within the said Territorys and the Precincts thereof and thereunto in any sort belonging or appertaining. By which we humbly apprehend Your Majestys Royal Intention was that the River Savannah should be the Natural Boundary between the Two Provinces without ever intending to debar Your Majesty's Subjects of this Your Ancient Colony from the Free and open Navigation thereof into all Ports and Places within this Province lying on the North Side of the said River since Your Majesty by Your Royal Charter hath only been pleased to Grant to the said Corporation the Lands Territorys Rivers Ports &c lying from the most Northern Stream of the River Savannah along the Sea Coast to the most Southern Stream of the River Alatamaha - Which We humbly conceive does not amount to a Grant of the Sole Navigation of the River Savannah to the said Corporation in exclusion of all other Your Majestys Subjects or that it was ever so intended by Your Majesty and more especially since the Navigation of that River is so absolutely necessary to the well being of all the Southern parts of this Your Province and particularly to Your Majestys two Townships of Savannah Old Town and Purrysburgh laid out on the North side of the said River in the first of which is a Fort and Garrison built upwards of twenty years ago near three hundred Miles back from the said Rivers Mouth and maintained at the Sole Expence & Charge of the Inhabitants of this Province for Securing that part of Your Majestys Dominions and Protecting the Out Settlements of this Province and in which there are now living about one hundred Inhabitants and in the other namely Purrysburgh reside upwards of one hundred Familys of Poor Swiss and other Protestants in Settling and maintaining of whom Pursuant to Your Majestys Instructions has been already expended by this Province upwards of thirty thousand pounds of this Money—

Notwithstanding which the said Magistrates and Officers at Savannah in Georgia have assumed under Colour and Pretence of an act of the Trustees for establishing the said Colony of Georgia intituled "an act to prevent the Importation of Rum and Brandys in the Province of Georgia" and approved by Your most Excellent Majesty in Council a Power of Staving and Destroying all Rum found in Boats and Pettyangers passing on the said river to the other parts of this Province and under Pretence of Search for such Rum stop and detain the said Boats and Pettyangers when in truth such Boats and Pettyangers to which such Violence has been used were not bound for Georgia nor was the said Rum intended to be imported into the same but was bound up the said River with other Goods and Merchandizes to the said Savannah Old Town and Fort Moore and had the Lieutent. Governors Lycence and Permit for that purpose for the use of your Majestys Garrison and other Inhabitants within this Province and that it was known and acknowledged by the said Magistrates that the said Boats and Pettyangers were bound into this Province yet nevertheless the said Magistrates regardless of their Duty to your Majesty the Obligations they were under to this Province and the natural Rights and Privileges of their fellow Subjects with force compelled several Boats belonging to the Inhabitants of this Province passing up the said River to your Majestys Forts and Towns within this Province about their lawfull Employments to Stop and bring to at the said Town of Savannah in Georgia and there under pretence that such Boats and Rum were found in the waters of Georgia Stave and destroy the said Rum and Compell the Masters of the said Boats to enter into Security to appear at their next Court altho' the River on which the said Boats were Seized is the only Water Passage to the said Savannah Garrison and the Town of Purrysburgh And is one of the Boundarys of Georgia & consequently not within the Precincts or limits of Georgia To the very great injury loss and Damage of your Majestys said Subjects of this Province and in manifest Violation of their Rights and Privileges in Breach of the Laws of their Country as well of those of Nature and Nations and for which notwithstanding repeated applications have been made by this Government to the Magistrates in Georgia no Reparation has been had or Obtained from whence We have been necessitated humbly to Represent these Proceedings to Your Majesty for Relief and Redress therein.—

And for the preserving and maintaining the Indians in Your Majesty's Interest We further humbly beg leave to Represent to Your most sacred Majesty that altho' Your Majesty in Your Royal Wisdom has been pleased to Confirm a Law of the Trustees of Georgia to Prohibit the Importation and use of Rum and Brandys in the said Province of Georgia yet We are not apprehensive it was Your Majestys Intention that the moderate use of Rum should be Inhibited Your Majestys Subjects in this Your Majestys Province of South Carolina or among any Nations of Free Indians with whom we carry on any Trade or Commerce since such a general Inhibition would tend to the great prejudice of Your Majts Subjects of this Province as a Moderate use thereof We have found by many years experience to be of great Advantage to the Healths of Your Maties Subjects and should Your Majestys Subjects of this Province trading with the said Indians be forbid to carry any Rum among these Indians much the greater number of whom are desirous to have Spirits brought among them We humbly take leave to acquaint Your Majesty that we apprehend it would put the Indians upon seeking it from the French and Spaniards who can very easily supply them with the same than which nothing would prove more effectual to carry those Nations of Indians with whom we now Trade into the French or Spanish Interest —

And this we can with the greater certainty lay before your Majesty in this Province did several Years ago by an Act of Assembly then passed prohibit the use of Rum among the Indians But after some years trial it was found expedient to let that law expire which hath never since been revived lest it should give the French and Spaniards an Opportunity to supply them with the liquor we had prohibited and so much desired by them. —

Thus may it please Your Majesty We have presumed in all Humility to Represent the State and Grievances of this Your Majestys Province with regard to the Colony of Georgia humbly to implore Redress therein Beseeching Your most Sacred Majesty that you will be graciously pleased to Declare the Rights and Libertys of Your Faithfull Subjects of this Your Province to an open and Free Trade with all the Nations of Indians in Amity and Friendship with Your Majesty's Subjects according to the Regulations for the same by the Laws of this Province without being subjected to the Laws or Regulations of Georgia And that the Passage of the River Savannah may be declared to be free and open to all Your Majestys Subjects of this Province and that the Magistrates of Savannah in Georgia may be Ordered to make Reparation to Your Majestys Subjects of this Province for the Injurys they have done in Seizing and destroying their Goods and that your Majesty will be graciously pleased to give such Orders and Directions to the Trustees for establishing the Colony of Georgia that Violences of the like sort may not be committed for the future or take such other Measure as to Your Majesty in Your great Wisdom shall seem meet.

And Your Petrs (as in Duty bound.)
shall every pray &c

In the Council Chamber 17th
July 1736 By order of the Board
Wm Bull

In the Commons House of Assembly 17th July 1736.
By Order of the House
Paul Jenys Speaker.

B.P.R.O. So Carolina B.T. Vol 8. F. 44.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

The Humble Memorial of Peregrine Furye Esqre
Agent to His Majesty's Province of South Carolina

Sheweth.

That immediately after your Lordships had appointed the Eighth of February for Hearing your Petitioner by Council, in support of a Representation of the Council and Assembly of the said Province, concerning many injuries they had received from the Magistrates and People of Georgia, He received Advices from the Committee of Council and Assembly appointed to Correspond with him dated the fourth of December last, to the following effect Vizt

That the Assembly was then sitting and their whole attention employed in Collecting a variety of facts to be supported by a great number of Proofs entirely relative to the matters now in Judgement before your Lordships.

That as it would require some little time before the proper Dispatches thereupon could be made to Great Britain, your Petitioner is directed in the strongest terms

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terms by the Assembly to endeavour to get the Consideration of all Affairs not yet proceeded upon, between the Province of South Carolina and the Colony of Georgia deferred till he can be more fully instructed.

That your Petitioner under this Restriction apprehends and is advised by His Council that it would not be safe for him, nor consistent with his Duty to the Province, to proceed in the Cause now pending before your Lordships upon the day appointed.

And therefore humbly prays Your Lordships will be pleased to pospone the same, till he has received those further Proofs, and Instructions, that are preparing to be transmitted to him and which he expects daily to arrive.

Recd }
Read } Jan^ry 26. 1736/7

B. P. R. O. So Carolina B. T. Vol 26. p. 193.

10th Decr 1736.)

To Colo Broughton Lieut. Governr and Commander in Chief of South Carolina

Sir,

The Trustees for establishing the Colony of Georgia in your Province have represented to his Majesty that endeavours were using to obtain from you, Grants of Land, in that part of South Carolina which lies between the Alatamaha River, and the Northern Bounds of the Spanish Florida: And as they are apprehensive that any Grants made within that District, might endanger the Peace, both of South Carolina and Georgia, They have prayed his Majesty that you may be Instructed to make no Grants therein,

As My Lords Commissioners have never before now, been apprized of any applications for Land in this Part of Your Province, I am commanded to desire that you will inform their Lordships, with all convenient speed, whether any Applications have been made to you, for the purposes aforesaid, And to acquaint you that, as their Lordships have laid before the Lords of the Council, an Instruction proposed to be sent to you upon this Head it will be convenient, that you should for the present, refrain from granting any Land within the District afores^d.

My Lords have received your Letters of the 6 and 16^th of August relating to the French Governor of Moville having attacked the Chickesaw Indians, and to your Complaints against the Inhabitants of Georgia for having interrupted the Trade with the Indians, from Your Province.

My Lords have sent an Extract of what you have wrote concerning the French Governor of Moville to his Grace the Duke of Newcastle and their Lordsp^s will shortly consider more at large, what you have represented to them in relation to the Inhabitants of Georgia.

There having been some Complaints laid before my Lords Commissioners by M^r Jackson Collector of the Customs at the Bahamas, against M^r Fitz-William the Governor of those Islands & several of the material Evidences having as he informed the Board retired to South Carolina, M^r Jackson has desired that their Depositions may be taken upon Oath before you. I am therefore commanded to desire that such Persons as M^r Jackson (the Bearer hereof) shall bring before you, for the purpose aforesaid, may be examined upon Oath, and that you will return to my Lords Comm^rs any Depositions that shall in this manner be made under the Seal of Your Province

I am

Whitehall. Sir

December 10. 1736. Your most humble Servant

A. P.

B.P.R.O. So Carolina B.T. Vol 26. p 197.

14th Dec. 1736.

To Mr Martyn Secry to the Georgia Trustees

Sir,

A Petition from the Council and Assembly of South Carolina complaining of ye Interruptions given to the Indian Traders of that Province by the Persons employed in the Governmt of the Colony of Georgia having been referr'd to the Consideration of my Lords Commissioners for Trade & Plantations I am commanded to desire you will acquaint the Trustees for the said Colony, that my Lords Commissioners desire to speak with some of them upon this Subject tomorrow morning at eleven o'clock

I am

Whitehall
14 Dec. 1736.

your most humble Servant
A. P.

B. P. R. O. Journals B T Vol 47

Whitehall Wednesday Janry 12th 1737

At a Meeting of His Majestys Commrs for Trade and Plantations

Present

Earl Fitz Walter

Mr Pelham, Mr Plumer Col Bladen

. . . .

The Board then took again into Consideration, and read the Order of the Com: of Council mention'd in the Minutes of the 14 ult. referring to the Board the Petn from ye Council and Assembly of S Carolina, complaining of the Magistrates of Georgia &c. Their Lordps likewise read the Georgia Acts, enclos'd in a Lr from Mr Martin (Secy to the Trustees) read the 15 ult & agreed to consider further of this Affaire to morrow Morning.

. . . .

13th January 1737.

The Secry acquainting the Board, that the Trustees of Georgia, who were to have attended the Board this Morning, upon the Subject of the Complaint of the Council and Assembly of S. Carolina, mentioned in Yesterday's Minutes, had desir'd the Consideration of this Affaire might be postpon'd till Wednesday next. But their Ldps agreed upon Tuesday next, and order'd that all Parties should

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should have Notice.

. . . .

18th January 1737.

The Board take again into Consideration the Order of the Committee of Council, referring to the Board, a Complt from the Council and Assembly of S Carolina, agt the People of Georgia, read the 14: ult, which was now again read, and Ld Tyrconnel with some of the Trustees of Georgia, attending as they had been desir'd, as also Mr Furie Agent for South Carolina, Mr Furie desir'd to be heard by his Council in support of the said Complt & that some time might be allowed him for that Purpose, and their Lordps were pleased to appoint Tuesday the 8th of the next Month, for hearing all Parties upon this Subject.

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25th January 1737

Mr Furie, Agent for South Carolina, attending presented a Meml praying further Time be allowed him, and that the hearing propos'd for the 8th of next month, upon the Complaints of S Carolina (mentioned in the Minutes of the 18th Inst.) against the Colony of Georgia, may be deferr'd for some time, was read, and their Ldps agreed to postpone that Affaire for some time further, Order'd that the Trustees for Georgia, have Notice thereof.

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1st February 1737

Lr from Mr Martyn, Secry to the Georgia Trustees, in answer to one wrote to him the 25 ult relatg to a Day to be fix'd for hearing the Complts of the Council & Assembly agt the Magistrates of Georgia was read.

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Order of the Com of Council referring to the Board, a Petn of Mr Morley, Provost Marshal of S Carolina & others agt an Act of that Province for ascertaining of Fees: passed in May last, was read, & Orders were given for sendg the said Act to Mr Fane, for his Opinion thereupon, in point of Law.

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4th February 1737

Mr Martyn, Secry to the Georgia Trustees, attending upon the Subject of his Lr read the 1st Inst The Board acquainted him, that so soon as Mr Furie Agent for S Carolina, could be ready with such Papers as he expected, as mentioned in his Memd read the 25 ult, the Board would appoint a Day for hearing all Parties.

upon that Subject

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8th February 1737.

Order of the Committee of Council, dated 26 Novemr last, refering to the Board a Petition of Mr Zourberbuhler, proposing to make a Settlement of One of the Townships in South Carolina, and desiring a Grant of 48,000. Acres to himself, was read.

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24th February 1737.

An Order of the Com: of Council of the 4: Inst referring to the Board a Petn from the Georgia Trustees complaining of the Lt Govr Council & Assembly of South Carolina for opposing the Execution of an Act pass'd by the said Trustees & confirmed by his Majty the 3: of April 1735. for maintaining Peace with the Indians &c was read and Orders were given for sendg a Copy thereof to Mr Furie, Agent for South Carolina, for his Answer.

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8th March 1737.

Mr Fanes Report, agt an Act pass'd in South Carolina, in May 1736, for ascertaining Publick Officers Fees was read, and the Board resolv'd to take the said Act into Consideration, on Thursday next.

Order'd that Mr Furie Agent for the Province and Mr John Sharpe Agent for the Patent Officers have notice to attend at the same Time.

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10th March 1737

Mr Morley Provost Marshall of South Carolina attending with Mr John Sharpe in behalf of the Patent Officers of that Province, as also Mr Furie the Agent of the Province the Board take into Consideration, and read the Act upon which Mr Fanes Report was read the 8th Inst to ascertain Publick Officers Fees and Mr Sharpe acquainted the Board, that he apprehended this Act was unnecessary, there having been no Complt made agt any of the Officers whose Fees are mentioned in the Act that there ought to have been a suspending Clause inserted in this Act, it being an Act of an extraordinary Nature, & takes away the Property of the Patent Officers, who by Instns the Govr is directed to protect.

Mr Furie then said, that not having receiv'd any Instns from Carolina upon the Subject of this Act he was not acquainted with any Reasons for passing it, but what are mentioned in the Preamble, and

therefore

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therefore submitted it to the Board.

These Gentlemen being withdrawn, Orders were given for preparing the Draught of a Rep^t to the L^ds of the Committee, in answer to their Order, read the 1^st ult:, & the Dra^t of a Rep^t for repealing the said Act.

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11^th March 1737.

The Draughts of two Rep^ts one to the King, the other to the L^ds of the Committee, Ordered Yesterday to be prepared, for repealing the S Carolina Act of 1736, for ascertaining Publick Officers Fees, & in Answer to the Order of the Committee inclosing the Patent Officers Pet^n against the said Act, were agreed to.

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The Board taking into Considerat^n the Order of the Committee read the 8^th ult: referring to the Board the Pet^n of M^r Zouberbuhler, praying for 48000. Acres of Land, in S. Carolina, Order'd that M^r Zouberbuhler should be directed to attend the Board on Tuesday next at eleven a Clock in the Morning.

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15^th March 1737.

M^r Zouberbuhler, whose Pet^n for Land in S

Carolina, was read the 8th ult., attending as he had been desir'd, with Mr Vat his Solr. the Petn. was again read, and their Lordps. had some Conversation with them, relating to their intended Settlement, and desir'd Mr Zouberbuhler, to explain in writing the manner in which he intended to settle the said Land.

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30th March 1737

Lr from Col. Broughton, Lt Govr. inclosing some Papers relating to an intended Invasion from the Spaniards, on Georgia, was read; And Orders were given for sending Copies thereof to the D. of Newcastle, to be laid before his Maty.

The above Lr to the Duke of Newcastle, was agreed to & Sign'd.

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20th April 1737

Mr Paris in behalf of the Georgia Trustees, desires the Board would please to consider the Order of the Committee of Council referring to the Board, a Petn. from the Lt Govr. Council and Assembly of South Carolina, complaining of the People of Georgia, read the 14 Decemr. last as also an Order of the Committee of Council, read the 24 of Febry, referring to the

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the Board a Petⁿ from the Trustees of Georgia complaining of the Province of South Carolina for opposing the Execution of a Georgia Act for maintaining Peace with the Indians, & complaining agᵗ an Ordnance pass'd in S. Carolina in 1736, for raising Money &c. And the Board resolv'd to consider these Petⁿˢ at another Opportunity.

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26ᵗʰ April 1737

An Explanation of some points in Mʳ Youberbuhlers Petⁿ praying a Grant of Land in S Carolina, mentioned in the Minutes of the 15: of March last, was read, Directions were given, that Mʳ Youberbuhler should attend the Board to morrow Morning.

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27ᵗʰ April 1737

The Board take again into Considerat.ⁿ the Explanation of some Points in Mʳ Youberbuhlers Petⁿ praying a Grant of Land in S. Carolina, mention'd in Yesterday's Minutes, and after some Discourse with Mʳ Youberbuhler thereupon, Directions were given for preparing the Draught of a Report, in favour of Mʳ Youberbuhlers Petⁿ

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28th April 1737.

The Drat. of a Report, order'd Yesterday to be prepared, upon Mr Zouberbuhlers Petn for a Grant of Land in S Carolina, was consider'd.

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29th April 1737.

Mr Zouberbuhler, attendg presented to the Board, the Copy of a Petn which he had presented to the Govr & Council of S Carolina in July 1735, for a Township to be allotted for the Settlement of 100 Families, which he would import, provided Provisions &c might be allow'd them, was read.

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3rd May 1737.

Mr Furie, Agent for South Carolina, attending, As also Mr Paris Solr for the Georgia Trustees; Mr Paris desir'd the Board would please to appoint a Short Day for considerg the Orders from the Committee of Council referring to the Board a Petn from the Council & Assembly of S Carolina, complaining agt the Magistrates of Georgia, mention'd in the Minutes of the 1st of Febry last; As also the Order of the Committee of Council, referring to the Board a Petn of the Georgia Trustees complaining Agt the Lieut Govr

Council & Assembly of South Carolina, for opposing the Execution of an Act pass'd by the Trustees *for maintaining Peace with the Indians*, mentioned in the Minutes of 24 of Febry last, And the Board appointed Thursday the 12th Inst for hearing all Parties upon the Subject of both Petitions, and desired they would be ready by that time.

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The Draught of the Report to the Lords of the Committee, mention'd in the Minutes of the 28: ult upon Mr Zouberbuhlers Petn Praying for Land, whereon he proposes to make a Settlement of foreign Protestants, in two Years, from the 1st of Octr next, was agreed to.

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5th May 1737

The Report to the Lords of the Committee upon the Petn of Mr Zouberbuhler, praying to make a Settlement in S. Carolina upon the Savannah River, agreed to the 3d Inst was Sign'd

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6th May 1737.

Mr Furie, Agent for S Carolina, attending, acquainted the Board that the Council, he had retain'd, to appear in behalf of the Province, on Thursday next according to the Boards Appointment of the 3d Inst. could not then possibly attend: He desir'd the Board would please to defer the Consideration of the Affair to thursday the 19th Inst.

Order'd that the Solrs in behalf of S. Carolina & Georgia have notice to attend upon this Subject on Tuesday Morning next, & that Mr Furie do then make this Proposal to the Board.

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10th May 1737

Mr Furie, Agent for South Carolina, attending as he had been desir'd, with Mr Sharpe, his Solr as also Mr Paris Solr for the Georgia Trustees; Mr Sharpe desir'd that the Hearing appointed for next Thursday, between South Carolina & Georgia, may be deferr'd to the Thursday following, and the Board agreed thereto, and ordered, that all Parties should attend on that Day, on ten a Clock in the Morning.

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19th May 1737

The Board take again into Consideration, the two Orders of the Committee of Council read the 14th of Decembr & 24th of Febry last, referring to the Board two Petns from S. Carolina and Georgia. The first complaining of several Obstructions given to the Trade of South Carolina by the Persons Employ'd in the Government of Georgia, the other complaining of the Govr Council and Assembly of South Carolina for having opposed the Execution of an Act approved by His Majesty for maintaining Peace with the Indians in the Province of Georgia, and for having pass'd an Ordinance for Asserting and maintaining the Right and Privileges of his Majestys Subjects of this Province of South Carolina to a free, open & uninterrupted Trade with the Creek, Cherokee and other Nations of Indians, &c in contempt of the said Act. And the Earl of Shaftesbury, Lord Talbot, Lord Carpenter, Messrs Archers, Mr Digby, Mr Holland, Mr Hucks, Sr William Heathcot Mr Moore, Mr Oglethorpe, Mr Vernon and several of the Trustees for the Colony of Georgia attending, according to appointment, with Mr Clarke & Mr Murray their Counsel, as also Mr Furie Agent for South Carolina, with Mr Solicitor Genl Strange, and Mr Brown, Counsel in behalf of the said Province.

Mr Sharpe open'd the Complaints of South Carolina, against the Persons in the Government of Georgia, by representing

That the Province of South Carolina, ever since the first Settlement thereof, had enjoyed a free, open and uninterrupted Trade with all their neighbouring Indians; And the free Navigation of the River Savannah.

That before the Colony of Georgia was established, the Assembly of Carolina had pass'd Laws for the regulation of the Trade with the Indians, and for obliging all Persons trading with them from that Gov^{t} to take Licences for that Purpose.

That the Law lately pass'd in Georgia for this Purpose, was to the same Effect, And as the People of Georgia, had taken upon them to determine what Nations of Indians were within the Limitts of their Patent. They had intercepted the Carolina Indian Traders, from trading with the Creek & Cherokee Indians, because they had taken no Licence from Georgia for that Purpose:

That no Act passed by the Georgia Trustees, can take away the Right of his Majesty's Subjects in South Carolina, of trading with any Nations of Indians, in Friendship and allied to the English – That the Crown cannot grant an exclusive Trade, He instanced the African Company, whose Charter was for that reason taken away, and added that the exclusive Trade enjoy'd by the East India Company, was granted to them by Act of Parliament.

That in the Year 1711, the People of Carolina had made a like attempt by passing an Act to exclude the People of Virginia trading with Carolina Indians without taking Licences from Carolina; But that this Act had been repealed because it laid this Hardship upon the Virginia Traders.

That as the Crown of Great Britain had at times thought fitt to make Treaties of Peace and Commerce with these Indian Nations, they were reckon'd as allies and not Subjects, and that therefore no Act of Georgia, can prevent those Indians from enjoying that Trade with his Majestys Subjects as stipulated by that Treaty.

That with regard to the Savannah River, it neither was nor could be granted in the Georgia Patent, because it was mentioned therein as the Northern Boundary to that Province.

That it was the way by which the People of Carolina supplied several of their own Settlements upon the Northern Banks thereof.

That in the Eye of the Law every Navigable

River is deem'd a High Way, and that nothing but an Act of Parliament can take away the Right of a high way from any of the Kings Subjects: And that there is no Colour for this pretended Exemption in the Georgia Charter.

That altho the Trustees for Georgia may have thought fitt to prohibit the use of Rum within the said Province, Yet that cou'd be no Reason for molesting the Traders from South Carolina in the Navigation on the Savannah, with Rum & Provisions for the Indians, their Settlements and the Garrison at Old Savannah, all on the North side of the River – That the Vessells lately Stop't by the Georgia People, were carrying Provisions for these Settlements.

That He apprehended this pretence to be an exclusive Right to the said River, might be intended to prevent any of the Indians having Rum: because should should the Indians within the Limitts of Georgia once know that they might have Rum from the Carolina Traders, and are refused it by the Traders from Georgia to Carolina — That as it was impossible to carry on any Trade with the Indians without Rum, should the Indians be debarr'd from Rum, both from Georgia and South Carolina, it might occasion the

Indian Trade falling intirely into the Hands of the French or Spaniards.

That with regard to the Ordinance lately pass'd in South Carolina. for Asserting & maintaining the Right and Privileges of his Majestys Subjects of this Province of South Carolina to a free open and uninterrupted Trade with the Creek, Cherokee & other Nations of Indians &c He beg'd leave to observe, that it was not pass'd for the purposes mention'd in the Petition of the Georgia Trustees, but only to indemnifie at the Publick Charge, such of the Indian Traders from Carolina, as may be affected in their Property, for prosecuting a Trade, to which he conceiv'd they had an undoubted Right.

The aforesaid Act pass'd in Carolina the — Day of July 1711 for laying a Duty on Skins Exported &c. as also the Boards Report of the 19th day of December 1712, and the order of Council of the Day of for repealing the same, were then read, as also some Affidavits ſhewing that some Officers from Georgia had Seiz'd the Goods and otherways Molested the Indian Traders from South Carolina.

The Board then proposed going on with this Affaire to Morrow Morning, But the Council being engaged every day before the Holy days Monday the 6th of Next Month, was appointed for this Purpose, and all Parties were desired to attend.

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25th May 1737.

The Secretary acquainted the Board, that Mr Abercrombie, who was to have attended the Board this Day, upon the Subject of his Petition, which was read Yesterday, was out of Town, the Board agreed to Postpone, the Consideration thereof.

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3rd June 1737.

A Letter from Mr Broughton Lieut Governor of South Carolina, dated 20th Febry last, concerning the intended Invasion from the Spaniards, was read, but this containing nothing new since the Board's Letter to the Duke of Newcastle of the 9th of Novr 1736 upon this Subject, gave no further Directions upon it.

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6th June 1737

The Lord Shaftsbury, Lord Egmont, Lord Carpenter, Mr Oglethorpe, Mr Vernon, Mr Laroche and some others of the Trustees of Georgia attending as they had been desired, with Mr Clarke & Mr Murray their Council, and Mr Paris their Solicitor, as also Mr Furye Agent for South Carolina, with Mr Solicitor General Strange and Mr Brown, Council in behalf of that Province, and Mr John Sharpe their Solicitor, the Board took again into Consideration the two Orders of the Committee of Council mention'd in the Minutes of the 19th of the last Month, referring to the Board two Petitions from South Carolina and Georgia, the first complaining of several Obstructions given to the Trade of South Carolina by the Persons employ'd in the Government of Georgia, the latter complaining of the Governor, Council and Assembly of South Carolina, for having opposed the Execution of an Act approved by His Majesty for maintaining Peace with the Indians in the Province of Georgia, and for having passed an Ordinance for Asserting and maintaining the Right and Privileges of His Majestys Subjects of this Province of South Carolina to a free open and uninterrupted Trade with the Creek Cherokee & other Nations of Indians, &c, in contempt of the said Act.

Mr Brown, Council for Carolina, produc'd to their Lordships, the Affidavits of Mr Green, Mr Cromby, and some others relating to the People of Georgia having fir'd a Gun to oblige some Vessells to bring to at New Savannah Town in Georgia, notwithstanding they were bound from Charles Town in South Carolina up the River Savannah, to Old Savannah Town now call'd New Windsor in the said Province, and had a permit from the Governor to carry thither some Rum for the use of the Garrison, which Rum was nevertheless Seiz'd and Stav'd by the Naval Officer at New Savannah in Georgia, which Affidavits were severally read, as also the aforementioned Ordinance

Mr Brown then said that he conceiv'd the Questions before their Lordships were, — 1st Whether by the Georgia Law for regulating the Indian Trade Carolina is excluded from Trading with any Indians within the Limitts of Georgia. 2dly Whether the Navigation of the River Savannah was not free and open to all His Majestys Subjects. — 3dly Whether the Aforesaid Ordinance was not a legal Act of the Legislature of Carolina. But first He premised that the Indians within the Limitts of Georgia were not reckon'd Subjects, but Allies to His Majesty — That the Trade between them and His Majestys Subjects of South Carolina had subsisted for about 70 Years — That in the Year 1707 The People of Carolina, not willing that any other Colony should share the Indian Trade with them, had pass'd an Act laying so high a Duty upon all Goods proper for the Indian Trade Imported in that Province, that it amounted to a prohibition.

— That the Virginian Traders complained of this Act, as it intirely interrupted their Trade with the said Indians, and that the said Act had been repeal'd as prejudicial to the Right of the Subject, notwithstanding it had been confirmed by the then Lords Proprietors of Carolina by which it was made Penal to Trade with the said Indians without a Licence from the People of Carolina for that Purpose — That the People of Virginia again complain'd of this Law as an infringement upon their Trade, & the Law was accordingly repeal'd — After this, they never made any other attempt to exclude others of His Majesty's Subjects from Trading with their Indians, but made several good regulations for carrying on the said Trade, binding to none but the People of their own Province.

That by the Georgia Charter, which is to Subsist during 21 Years, no Lands settled Prior thereto, was granted to the Trustees, so that all the Land contained within the Bounds limitted by that Charter, was not granted to them — That part of the Land within the said Bounds, being Settled by the Cherokee and other Indians, remains their Property — But that the Georgia Trustees not only set up a Right over these Indians, but over their Neighbours of Carolina in point of Trade, — For by the Georgia Law, all Person Trading to the Indians within the Limitts of Georgia, were obliged to take out Licences from Georgia under the Penalty of £100, and forfeiture of their Goods, but no Power was given to Imprison, notwithstanding they had exercis'd that Power, as appears by some of the aforementon'd Affidavit.

That this Law cannot affect the People of Carolina, not any but the Inhabitants of Georgia themselves — That it could never have been the intent of the Crown, to have given by that Law this exclusive Privilege to the People of Georgia — That supposing even it had been the intent, yet it was not in the Power of the Crown to make such a Grant — That the right of Trade cannot be taken from any of His Majestys Subjects, but by Act of Parliament.

That the Western Bounds of Georgia not having yet been settled, it does not appear that the Indians to which the People of Carolina have so many Years Traded, are within their Bounds. — That the Crown cannot gain any Right, but by Conquest, or Cession —

That the Land of which the said Indians were possess'd, not being the Property of the Crown, cou'd not be granted to the Trustees of Georgia - That the said Indians had made several Treaties with the Crowns and therefore cou'd not be reckon'd Subjects not Allies. - And that therefore, altho the People of Georgia might have a Power to make regulations for themselves in regard to their Trade with these Indians, yet their Regulations cou'd not bind the said Indians, - That with regard to the Trade carried on between South Carolina and the said Indians, the same caution was observ'd in relation to Licences and Security as in Georgia, and that therefore the Georgia Law, obliging the Indian Traders from Carolina to take their Licences and give their Security in Georgia, could be of no use but to Monopolize the Indian Trade to themselves.

That if this Law can bind the Province of South Carolina, it will likewise be binding to Great Britain, and the other Plantations, and as in Consequence no Trade wou'd be carried on with these Indians but by the People of Georgia, they might set what Price they please upon their Commoditys, and thereby drive the Indians to Trade with the French or Spaniards, to the Great Loss of the Trade of

Great Britain, by Stopping the Vent of such British Manufactures as are purchas'd by the People of Virginia and the other Plantations, for their Indian Trade. — That the People of Georgia had been very partial in the Execution of this Law, there being no one Instance of any Virginian Trader having felt the rigour of it — And therefore he hoped that the People of Carolina might expect the same Justice in their present Complaint, as the People of Virginia had formerly received in their complaint against Carolina, upon the same Subject.

With regard to the Navigation of the Savannah River, Mr Brown observ'd, that every River was a common Highway, the Right of every Subject. That the Towns of Purrisburgh and old Savannah must receive their Provisions from Charles Town by this River — That the People of South Carolina, do not want to carry any Goods into Georgia, which are prohibited by the Laws of the Province — That the Vessells from Carolina which had been Stop'd at Savannah in Georgia, were fir'd at from thence, and was oblig'd to bring to, and that the Rum they had on board altho design'd for old Savannah in Carolina, had been Seiz'd and Stav'd, which is not warranted by their own

Law, unless Imported into Georgia; — But as this was not the Case, he hopes some reparation wou'd be made them for their Loss.

That the aforementioned Ordinance pass'd in South Carolina, was intended to protect the Innocent Trader who should Suffer in Georgia on Account of his Trade with the Indians, & to repay his Loss — That therefore it was a false Suggestion in the Georgia Petitions to say, that this Ordinance repeal'd the Georgia Law, it being only temporary, intended to make Satisfaction to such Indian Traders from Carolina, and to repay such Losses as they might sustain, on account of the aforementioned Georgia Law, untill his Majesty shou'd think fitt to determine upon their Petition against the same. — And that it had been very usual in Carolina to pass Ordinances instead of Laws and with the same Effect.

Mr Clarke then Council in behalf of the Trustees, observ'd to their Lordships that an open and free Trade with the Indians in the manner contended for by the People of Carolina, might be productive of infinite disorders. — That no Trade can properly be called free, that is not well regulated, and that the regulations now enacted in Georgia, are of Advantage both to Georgia and Carolina; — That the Places where the Violences complain'd of are said to have been offer'd, are within the Bounds of Georgia — That in the Georgia Charter, the Province is Bounded by the Northern Stream of the Savannah River and Southern Stream of the River Alatabama, and that the Bounds run Westerly from the Heads of those Rivers to the South Sea, and that the People of Carolina had pass'd the Savannah in order to Trade with the said Indians.

Mr Clarke further observ'd that if the People of Carolina contended that the Georgia Indians are not bound by the Georgia Law's on account of their being Allies and not Subjects to the Crown of Great Britain, that could not be the Case, because the Dispute was only between the Kings Subjects in Georgia and His Subjects in Carolina — That according to the Carolina way of reasoning, the People of Georgia themselves when in the Indian Country and Trading with them are out of Georgia, and consequently not Subject to the Georgia Laws. — That the two Carolina Laws beforementioned of 1707, and 1711, said to have the same Effect as this at present complain'd of in Georgia, were very different, and were repeal'd because they amounted to a prohibition of Trade, all His Majestys Subjects being oblig'd to take out Licences in Carolina in their passage thro' that Province, for that purpose, all Indians in Amity with them being included in the same Law, whether they were within the Bounds of Carolina or not — That the Licence now granted in Georgia to such as Trade with their Indians is the same as what was given before Georgia was Separated from Carolina — That it cou'd be no hardships to take out Licence for Georgia, because part of Carolina was as far from Charles Town, as from Savannah in Georgia — That if any Carolina Indian Trader should cheat or abuse the Indians, they wou'd apply themselves to the People of Georgia for redress, in which Case it would be hard for the People of Georgia to send as far as Charles Town, to put his Security in Execution.

That there is no one Instance of a Licence having been refused in Georgia, to a Carolina Indian Trader, or a Virginian Trading with the Georgia Indians — That the Licences had only been granted to the Carolina Indian-e Traders — That the Furr Trade has considerably increased ever since the Establishment of Georgia, and is now four times as great — That before the regulations had been established in Georgia for carrying on the Indian Trade,

Rum

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Rum and Spirits had been introduced amongst them, and being intoxicated they were cheated by the Traders, and that therefore the Georgia Trustees had pass'd a Law to prevent the Importation of such Spirits. —

That the Georgia Law for regulating the Indian Trade can by no means occasion a Monopoly, as it pretended, since every one was free to Trade with the Indians, takeing out a Licence — That it was the Interest of Georgia to do the utmost in their Power to preserve the Friendship of the Indians and to prevent their falling into the hands of the French and Spaniards — That the Indian Trade within the Bounds of Georgia being now under the same Regulation as when under the Direction of Carolina, was of the same advantage to this Kingdom; — That there was never so much Peace with the Indians as since the Establishment of Georgia — And that the Indians were never better pleas'd, than under the present regulation of Trade.

That with regard to the Navigation of the Savannah, there could be no contest, because as the Stream of that River at the Mouth is divided by an Island, and as the Northern Stream is large and Navigable, no Vessell from Carolina would come into the Southern Stream, but on Account of Prohibited Trade — That there had been no interruption in the Navigation of the Northern Stream — That the Vessells whose Rum had been Stav'd, were actually in the Savannah Port, otherwise they would not have been Molested

With regard to the Violence said to have been Committed upon the Carolina Indian Traders, Mr Clarke observ'd, that the Affidavits to this Purpose were mostly hearsay, and contain'd some Facts committed since the presenting the Carolina Petition, and therefore cou'd not be proper Evidence in Support of it — That the Person called an Indian Trader, said to have been order'd to be whip'd, was a Soldier, who by his Officer's Command, was to have been punish'd — But that this Circumstance happen'd two years before the Georgia Law was pass'd.

Mr Clarke said further, that the Trustees of Georgia do not complain of the Carolina Ordinance as such, but as it was hastily obtained upon a Summons after the Assembly was adjourn'd — That it must be consider'd as a Vote of Credit to incourage and Indemnifye the People of Carolina to go to Georgia, and thereby Trading with the Indians, break thro' the Georgia Law. — And that as it seems set up in opposition to the said Georgia Law, which was confirm'd by the Crown, he hoped, their Lordships would show no Countenance to it.

The Board then agreed to proceed further in the Consideration of this Affair on Thursday Morning next at Ten a Clock, and desir'd all Partys would attend accordingly.

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8th June 1737

Mr John Crawford, attending in behalf of Mr Skeene & Abercromby, whose Petition was read the 24 ult:, praying for some allowance, in Consideration of their having run out the Bounds between this Province & North Carolina, and desiring the Board would please to please to consider the same; Mr Abercromby one of the Petitioners being very ill in Scotland, & not able to attend the Board, Their Lordships took the said Petition into their Consideration, and gave Directions for preparing the Draught of a Representation thereupon.

Letter from Mr Cleland, of the 24th June 1736, transmitting the Naval Officers Lists of Vessells Enter'd and Clear'd at South Carolina for the Quarters ended at Lady day and Midsummer 1736 was read.

An Account of the Imports & Exports of

South Carolina, from 1724 to 1736, with the Number of Vessells entering & Clearing out in 1736, was read.

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9th June 1737.

The Trustees for the Colony of Georgia, Mr Furie Agent for South Carolina, with the same Counsel, who attended the Board, the 6th Instant attending again according to Appointment.

The Charter establishing the Colony of Georgia was read, as also the two Acts pass'd by the Trustees in 1734, relating to the Indian Trade and to the Prohibition of Rum and

Mr Stevens being Sworn, and ask'd several Questions, relating to the Savannah River, and to the Rum which was Stav'd at New Savannah, as mentioned in the Minutes of the 6th Instant he said,

That he had been several times at New Savannah; That the Town lies on the South Side of the River — That Hutchinson's Island, a large Island, lies in the Savannah River, over against the Town, and divides the River there, into two Streams — That the North Stream is as broad as the South Stream, and is Navigable for large Boats — That the Boats loaden with Goods for the Indian Trade commonly draw about three or four feet Water — That the North Stream, is the Shortest Passage, these Boats can take, from Charles Town to Old Savannah Town in Carolina now called New Windsor — That the Tide flows about 16 Miles above New Savannah That there are very few Sailing Boats upon the River

That he was at New Savannah, when the Rum aforementiond was Stav'd — That he knew Mr Shepherd to whom the Rum belong'd — That he saw his Permit from the Lieut Governor of South Carolina to carry Rum to Old Savannah — That Shepherd said, He should now see what they wou'd do with him at New Savannah having Letters to deliver there — That on the 19th of April, he saw Shepherd's Boat under Seizure, and heard his Rum had been Stav'd, That he did not apprehend Shepherd intended to sell his Cargo at New Savannah, it consisting of Blankets, and Goods only proper for the Indian Trade.

Mr Clarke then produc'd several Affidavits to prove, that Shepherd's Boat went up directly to the Landing Place at New Savannah; as also that the Cherokee, the upper and lower Creek Nations of Indians were Situate between the two Rivers Savannah and Alatamaha, & consequently within the Bounds of Georgia.

Mr Charles Wesley, Secry for the Indian Affaires in Georgia, being Sworn, produc'd the Copy of a Licence to one Samuel Brown, an Indian Trader, & declar'd no other Draught had been used, nor had it been refus'd to any Carolina Man.

Mr Murray likewise Counsel for the Georgia Trustees, said, that as he conceiv'd there was but one Single Point in Dispute between the Trustees, and the People of Carolina, he would only mention the several Points, which had been insisted on by the Council of Carolina, and leave them to their Lordships Consideration.

With regard to the Navigation of the River Savannah, he said the Trustees, did not, nor do not dispute it, — That the Rum complain'd of to have been unjustly Seized, was Seized and Stav'd, because it was imported into New Savannah, contrary to the Georgia Act prohibiting the same — That according to Law, all Goods in Port, are equally lyable to Duties, Seizures & Confiscations, as if they were landed — That if the Persons, whose Rum was Seiz'd, did not really intend to import the same, They have their Remedy against those who had unjustly Seiz'd it, the Trustees not being answerable, but as the Boats, out of which the Rum was taken, were within the Port of New Savannah, which includes all that part of the Southern Stream between the said Town and Hutchinsons Island, it appear'd evidently their Intent to land the same — That the Counsel for Carolina had produc'd Evidence for two Seizures only, and as they both happen'd Subsequent to the Petition, they could not be urg'd in Support of the Petition, altho their Validity is to be judg'd by the aforesaid Law.

With regard to the Man adjudg'd to be Whipp'd He was a Soldier, who having taken too great Liberties with the one handed Kings Wife, was by his Officer Sentenc'd to be Whipp'd but was afterwards pardon'd at the Request of the said King — But that Mr Mc Kay who Sentenc'd the said Soldier, having a Commission to regulate the Indian Trade and Traders, both from the Commander in Chief of South Carolina and from Georgia If ever he had been guilty of a Fault, it could not be laid to his Charge, as a Georgia Officer, more than as an Officer deputed from the Government of South Carolina.

That altho' it was certain no exclusive Trade could be granted but by the Authority of the Legislature, Yet as the King had granted to the Trustees a Power of Passing Laws, those Acts when confirm'd by the Crown became Acts of a Legislature, so that he apprehended the Arguments used by the Council of Carolina against the Power of the Georgia Trustees, of Keeping the Indian Trade to themselves, must fall in Course — That the Trustees of Georgia cou'd have no Intent to Monopolize the Indian Trade, since no Instance could be produc'd of a Trader from Carolina having been refus'd a Licence.

That he conceiv'd the great Point in Dispute was the Law of Georgia, for regulating the Indian Trade - a Law pass'd by proper Authority, and assented to by the Crown, And altho' different, Yet not repugnant to the Law of Great Britain. By which Law, the same Regulations for the Indian Trade, are enacted, and the same Bonds to be enter'd into by each Indian Trader, as before the Province of Georgia was separated from that of Carolina.

That the present Question would be reduc'd to this, Within what Bounds, is the Law of Georgia to take Place? Or what is Georgia? To solve this, he observ'd, that the bounds by which the Province of Georgia is describ'd, are particularly mention'd in the Patent — That the Georgia Law must take Place every where within these Bounds. – And every one therein is Subject to, and must Submit to the Law of Georgia. – That if an Englishman should commit Murder in that part of the Indian Country which is within the Bounds of the Province of Georgia, as Settled by the Patent, He must be tried in Georgia And that he could not be tried in Carolina or any other Province for it – That he conceiv'd it was of the last Consequence, but to Surmise, that the Indians were not Subjects of Great Britain – That he conceiv'd, this had ever been the Sentiment of the Board of Trade; – That when Lord Baltimore's Patent was granted for the Province of Maryland, the Country belonging to Savages, was expressly granted to him – That no Grant was ever made, with a saving to the Indian Land; – That he conceiv'd the Cherokees, Creeks, and every other Nation of Indians within the Bounds of the Georgia Patent, were Georgia Indians – That it is but common Policy, to allow it, because otherways, If any of these Indians were to sell their Land, to any other Province, or Person, the Part so Sold would cease to be Georgia, which is absurd – And to shew that it was the Common Sentiments of the People in America, That the Indians within the Limitts of each Province, were Indians of & under the Protection of that Province, he quoted several Laws of Pensylvania, Rhode Island, Maryland, Virginia and the Massachusets Bay.

Mr Murry then observ'd that the Instance produced by the Counsel for Carolina of the Virginia Complaint in 1707, and 1711, against Carolina, was not an Instance in Point, because the Georgia Law only regulates the Trade within the Province, whereas the Carolina Law complain'd of by Virginia, affected People out of the Province — That the Virginians complain'd against Carolina for having Seiz'd their Goods out of Carolina, and that the Board of Trade, in their Report upon this Complaint expressly declar'd, that the Western Indians (among whom the Goods were Seiz'd) were out of Carolina, and upon that Foundation propos'd the Repeal of the Carolina Law; which he conceived They would not have done, had the then Carolina Limitations, and Restraints, been confin'd to Carolina alone, as in the Case of the Georgia Law now Complain'd of by the People of Carolina — And that with regard to that Law, He conceiv'd the King could not repeal it, without the Consent of the Trustees, it having been confirm'd by the Crown.

Mr Murray then added, upon the Subject of the Carolina Ordinance, *for Asserting and maintaining the Rights and Privileges of His Majesty's Subjects of this Province of South Carolina to a free open and uninterrupted Trade with the Creek, Cherrokee & other Nations of Indians, &c*; that if the Georgia Law, was enacted by proper Authority as he conceiv'd it was, And if the Limits of Georgia, as describ'd in the Patent, are really the Limits of that Province; He Submitted to the Board, whether the said Ordinance could be understood in any other Light, than an Attempt of the People of Carolina to repeal a Georgia Law, confirm'd by the Crown.

The Board then propos'd to go on, upon the Reply to Morrow Morning, But Mr Brown Councel for Carolina, praying a Longer Day may be appointed, being engag'd for the first Days of the Term which commences to Morrow, and having no Day at Liberty till Saturday Sennight, at Six in the Evening, The Board appointed that all Parties should attend accordingly at that time.

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10th June 1737

The Draught of the Report, order'd to be prepar'd the 8th Instant, upon the Petition of Mess.rs Skene & Abercromby, who were appointed Commiss.rs on the Part of Carolina to run the Division Line between that Province and North Carolina, was agreed to & order'd to be transcrib'd.

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15th June 1737

The Board taking into Consideration the Draught of the Minutes of the Board of the 9th Instant, relating to the Dispute between S. Carolina and Georgia, the said Draught was agreed, and Order'd to be Enter'd.

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18th June 1737

The Earl of Shaftsbury, Mr Laroche, and some of the Trustees of Georgia, attending according to appointment, as also Mr Furie Agent for South Carolina, with the same Council, as attended the Board the 9th Instant, the Board take again into Consideration the Disputes between South Carolina and Georgia, and

Mr Sol.r Gen.l Strange, Counsel for the Province of South Carolina, observ'd to the Board, by Way of Reply to what had been offer'd by the Council for for the Georgia Trustees, that altho' they had not

Shewn any Right to the Power claim'd by them, of preventing any Trade being carried on, with the Indians but by Persons licens'd for that Purpose by the Government of Georgia; Nor to an exclusive Right to the South Stream of the River Savannah, yet it appear'd from what had been offer'd, that they intended to exclude the Province of Carolina from carrying on any Trade with the Indians, said to be within Georgia, by making the Licences so difficult to be obtain'd as not to be worth while for the People of Carolina to endeavour to obtain them.

That if the Georgia Law, could prevent the People of Carolina from carrying on any Trade, with the said Georgia Indians, It must in Consequence be binding upon the Indians, and prevent them from Trading to Carolina — But that no Law can bind the Indians. That if it could, and if the Georgia Indians were really bound by the Georgia Law, It would be very proper likewise to pass a Law to prevent those Indians from Trading with the French or Spaniards, as they certainly will, if they should find that the People of Georgia, pretend to confine their Trade.

In answer to its having been observ'd by the Council on the other Side, that several Laws were pass'd on some other of the Colonies (vide Minutes fol: 130.) for binding the Indians within them, He said, that having perused those Laws, he found they were Laws for preventing the Indians being imposed on, and not for binding or restraining them in any Point of Trade

That if it was necessary to shew the Custom of the Colonies with regard to the Indians, he desir'd to mention An Act pass'd at Virginia in 1734 Entituled An Act to Enable the Nottoway Indians to Sell certain Lands, and for discharging the Indian Interpreters, in which the consent of the Nottoway Indians was made necessary even to the passing of the Act.

That with regard to its having been observ'd by the Council for Georgia, that the Carolina Act of 1707 had been repeal'd, because it affected the Trade out of the Province, He said the Present Law was a parallel Case, It not appearing from any thing offer'd on the other Side, that the Indians in Question were actually Situate within Georgia; For altho' it was said in some of the Affidavits produc'd by them, that the Indian Traders from Carolina had Cross'd the River Savannah to go to the said Indians, Yet it was not said, that they did not likewise cross the Alatamaha, which he was instructed to say, they were oblig'd to do, in which case they were in the Province of South Carolina, and not in Georgia.

That with regard to the Increase of the Trade of South Carolina, said by the Council for Georgia, to be owing to the Establishment of the Province of Georgia. He desir'd their Lordships would please to observe, that ever since the Purchase of South Carolina by the Crown; the Trade of that Province had annually encreas'd, as appears by the very Account produc'd by the other Side; And that therefore They thought themselves oblig'd to his Majestys Protection for this Increase of Trade, and not to any Advantage from the Georgia Settlements.

That it appears from their own Witness Mr Stevens, and from other Evidence, that the People of Georgia had made an ill use of the Act, by Seizing and Staving Rum, design'd for old Savannah in Carolina, as more particularly explain'd in his Evidence.

Mr Brown, Counsel on the same Side, likewise observ'd by way of Reply.

That altho', Mr Murray in behalf of the Georgia Trustees had given up their pretence of excluding the People of Carolina from the Right of Navigation in the South Stream of the Savannah, yet as it was with this Exception, that Vessels using that Stream should not have on Board any Goods prohibited by the Georgia Law, They in fact still insisted on their Right of Exclusion, because, (as in the Case of the Rum Seyz'd) the Vessell was in the South Stream, and was consigned to Old Savannah.— That as the River was not granted by the Charter, He conceiv'd, the Islands in the River could not be granted, and that therefore the New Savannah Port, could only be understood to be the very Port itself, and not that Part of the River between Savannah Town and Hutchinsons Island— That the Vessell whose Rum was Seyzed, having been brought to by a Gun fir'd at her from Savannah, could not be said to have Imported Rum, and therefore her Seizure not justified by the Act itself.

That with regard to the Indian Trade, as the People of Georgia, are not oblig'd to Grant Licences to any Indian Trader, but such as they please, It must be Implied that they have the Power of refusing, and that therefore this Law was binding upon the Province of Carolina.

That by several Treaties made with the Indians in Question, a free Trade was Stipulated with all his Majestys Subjects, and that any Act pass'd by the Georgia Trustees to restrain the said Trade, was a manifest Violation of the Treaty. He therefore hoped His Majesty would please at least to declare, that in the Confirmation of the said Act, He did not intend to grant any exclusive Trade.

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21st June 1737

The Board then taking into Consideration the Subject of the disputes between South Carolina and Georgia, agreed that the following Queries should be sent to the Attorney and Solicitor General, for their Opinion in Point of Law.

Whether an Act of the Trustees of Georgia or of any Assembly pass'd in the Colonies abroad, and confirmed by the Crown, can grant to any of the said Provinces an exclusive Trade with the Indians dwelling within their respective Provinces.

Does the abovemention'd Act exclude all Persons whatsoever, whether Inhabitants of Georgia or not, from Trading with the Indians, settled within the Bounds of the Province of Georgia, as described by the Charter, except such as shall take out

Licences according to the Directions of the said Act

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29th June 1737

Mr Paris Solr for the Georgia Trustees, presents a Petn from the said Trustees, desireing a Copy of the Reference to the Attorney and Solr of the 21st Inst upon the Georgia Law, which was read, and

Mr John Sharpe, Solr for Mr Furie, Agent for South Carolina attending, desir'd the abovemention'd Reference to the Attorney & Solr Genl may be varied, & made only to the Attorney Genl On Account of the Solr Genls having been concern'd as Counsel on One Side But their Lordps did not agreed thereto

Mr Paris being withdrawn the Board upon considering the Meml from the Trustees did not think fit to grant a Copy of the Reference desir'd.

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3d August 1737

Report from the Attorney & Solr Genl in Answer to two Questions, sent to them the 21 of June last relating to the Georgia Act for regulating the Indian Trade, was read. And some Directions were given for prepar. the Draught of a Report to the Lds of the Committee, upon the Petns of the Province of South

Carolina (E 42) agt the People of Georgia and the Petn of the Georgia Trustees (F 41) agt Carolina relating to the Indian Trade, &c

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10th August 1757

Mr Lane's Report in favour of an Ordinance for asserting & maintaining the Rt of his Mys Subjects to a free Trade with the Creeks &c was read

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11th August 1757

Order of the Committee referring back to the Board their Report of the 5th of May last upon Mr Youberbuhler's Petn for Settling the Township of New Windsor in South Carolina, as also a Petn from Mr Youberbuhler praying the same sum of 2.100 may be allow'd to him as was allow'd to Col Purry, was read, And Directions were given, that Mr Youberbuhler should attend the Board on Wednesday next.

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17th August 1757

Mr Youberbuhler, attendd as he had been desir'd upon his Petn proposing to settle the Township of New Windsor, & desireing he may be allowed £ 2,500 ~ Carolina Currency, the Board had some Discourse with him upon the Subject, & gave some Directions for preparing the Dra.t of a Report thereupon.

An Order of the Committee of Council, referring to the Board a Pet.n of Mr Hamilton, praying for a Grant of 200 000 Acres of Land in South Carolina, was read; and Directions were given that Mr Hamilton should attend the Board on Wednesday next.

The Board take into Consider.n the Draught of a Rep.t upon the Pet.ns from South Carolina & Georgia mention'd in the Minutes of the 3d Inst and make a Progress therein.

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24th August 1737

Mr Hamilton attending, his Pet.n desireing a Tract of 200 000 Acres in South Carolina, read the 17th Inst. was again read, & their Ld.ps directed him to put into Writing, & to present to the Board, his Proposals for making the said Settlement.

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31st August 1737

The Board taking again into Consideration, their Report upon the Pet.ns from S Carolina & Georgia, mentioned in the Minutes of the 17th Inst. the same was agreed to.

Mr Hamilton, whose Petn was read the 24th Inst attendd again he presented to the Board. The Genl Plan of his intended Settlement & the same was read, and their Lordps agreed to consider further thereof at another Opportunity

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The Board taking into Consideration the Draught of a Report upon Mr Zouberbuhler's 2d Petn order'd to be prepar'd the 17th Inst the same was agreed to.

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1st September 1737

The Report upon Mr Zouberbuhlers Petn agreed to Yesterday, was Sign'd

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21st September 1737

The Board taking again into Considератn the Order of the Comm upon Mr Hamilton's Petn for 200 000 Acres of Land in South Carolina, read the 17th ult, and his Plan for making a Settlement thereon, read the 31 ult. A Lr to acquaint him, that the Board conceive his Propositions are too general, & that untill they are better satisfied they will be carried into Execution, They cannot recommend his Petn to His Maty was agreed to & order'd to be sent.

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Lr from Col Broughton Lt Govr of S Carolina, dated the 15th of July last, was read.

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25th October 1737

Mr Hamilton attended the Board and some discourse was had wth him in relatn to his proposals and he is desir'd to give in an explanation of ym in writing in answer to a Lr of Septr 21.

. . . .

28th October 1737

A Lr from Mr Hamilton was read containing his explanacon of his proposals, and the board agreed to consider it at another opportunity.

. . . .

9th November 1737.

The Board taking into further Consideration, the peticon of Mr Hamilton referred to them by order of the Committee of Council and read Augt 17 together with Several proposals which he has Since laid before the Board, directed a Draught of a report to be prepared.

. . . .

10th November 1737.

The draught of a report in relacon to the petition of Mr Hamilton, mentioned in the preceding minute of yesterday was read, and the consideracon of it postponed to another opportunity.

. . . .

16th November 1737

The draught of a report in relacon to Mr Hamilton's proposals, was read and agreed to

. . . .

17th November 1737

The report in relation to Mr Hamilton's petition was read, and Sign'd

. . . .

1st December 1737

Read a Lr from Mr Wright Chief Justice of S Carolina, dated Septr 12 1737 containing his objections to the Jury Act of 1731.

. . . .

7th December 1737

An Order of a Comittee of Council dated Feb 4. 1736/7 and received Novr 29th referring the Petition of the Merchts of London & Bristol agt an Act passed in S Carolina in May 1736 was read & the Board agreed to take it into consideracon at another opportunity.

. . . .

A Lr from Mr Fury, dated Decr 5: 1757. enclosing some printed Reports of the Comittee of ye Comons House of Assembly of S Carolina on the State of ye Paper Currency of the sd Province, was read, and the consideracon thereof was postponed to another opportunity.

. . . .

B.P.R.O. A.& W.I. Vol 19. p 77

Havannah Jan 17th 1737

Sir,

As I am not quite a Stranger to you, having received favours at your hands in Georgia, I shall depend on your kind reception of what I shall now relate.

A Person who is lately come from Spain hither under the Character of an Engineer, being treated with great Respect by the Governor, and every body of distinction here gives me no small surprize, having known the man in Carolina a Bailey, named John Savy, but at present styles himself Col.o Wall, hearing of my being here, he desired to speak with me in private, the purport of Which, was to enjoyn my not giving out that I knew him, as it would certainly occasion my being put in the Moor Castle. Willing to know the Cause of that Danger, by the help of the Bottle, I got the noble Coll.o to disclose his Scheme or pretended one, which was to this Effect, that he went from Paris with Recommendations from the Spanish Queen Dowager, to the Court of Madrid, where he gave in his proposals to the Minister Patino, setting forth the weak state of Georgia, which Country he affirmed belonged to His Catholick Majesty and that a small number of troops might drive out or Destroy the present Incombents, offering himself to be their Guide, as knowing that Country, which Scheme he says was accepted, & is to be Executed in three or four Months, the whole seems to be a piece of Extravagance, but as it is generally thought he brings a secret Commission from the Prime Minister I think it proper to send you this Notice, as I shall henceforward of whatever may tend to the Safety of the Infant Colony of Georgia, being its entire well Wisher, I shall desist from troubling you further only to add that

I am
Your most Obedient
Humble Servant

So Carolina Charles Town Henry Kellden.

A True Copy Examined ℘
J Bradenhop C.C

To His Excellency James Oglethorpe Esqr

B.P.R.O. A & W.I. Vol 19 p 78

Havana 6th Feby 1737

Sr

I hope your Excy will give some attention to the particulars of the inclosed Letter from my Brother As other Circumstances concur to Strengthen the Suspicion of a design forming against your Colony of Georgia. The true History of the Person (here called) Mr Wall cannot be unknown to Our Governor. Yet he treats him with respect, but watches him closely, and has strictly forbid his conversing with any English. Besides which particular Pains has been taken to engage a Sailor now in my house (reputed to be a good Pilot on your Coasts) to carry a vessel to one of the Bahama Islands, on pretence of bringing back a load of Salt, a Comodity of so little value here at present, that it won't pay its Freight. But a Stronger Motive for Suspicion, is the present Arming in this Port, of a 24 Gun ship with a Sloop or two, which may be ready to sail by the end of this Month, when is expected to arrive the Barlo Vento Squadron from Vera Cruz, consisting generally* of a 60 or 50 gun Ship, with one Smaller, to which may be added, one of 60, and one of 50 now in the Harbour, ready to putt to sea, and in care of a Descent, this Garrison, may well spare 600 Men joined to about the Same Number in Port St. Augustine.-

This I could not fail to apprize you of as shall by all future Oppertunitys of every thing that Happens here, which I think may concern the Safety of his Majesty's Subjects, under Your Excy's Government

I am with perfect respect Sr
Your Excy's most obedt. Servant
Anto. Welden

To his Excy. James Oglethorpe Esqr.

B. P. R. O. So Carolina B. T. Vol. 8. F. 46.

(21st Jan. 1736/7)

At the Council Chamber Whitehall
the 21st day of January 1736/7

By the Right Honourable the Lords of the Committee
of Council for Plantation Affairs

His Majesty having been pleased by His Order in Council of the 19th of this Instant to refer unto this Committee the humble Petition of George Morley, James Wedderburn, Thomas Gadsen, William Saxby Senior, William Saxby Junior, and Samuel Wheatley Esqrs Patent and Warrant Officers under His Majesty in the Province of South Carolina, complaining of an Act passed in that Province in May last Entituled "An Act for ascertaining Publick Officers Fees." And praying that His Majesty will be graciously pleased forthwith to Declare his Royal Disapprobation and Repeal of the said Act, and that the Petitioners may be heard by the Council against the same. — The Lords of the Committee this day took the said Petition into their Consideration and are hereby pleased to referre the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations (before whom the said Act is depending) to consider

thereof

16 3/4

thereof, and Report their Opinion thereupon to this Committee. –

W. Sharpe.

Rec.d Jan.ry 31st }
Read Feb. 1st } 1736/7

(Enclosure.)

To the Kings most Excellent Majesty in Council

The Humble Petition of George Morley James Wedderburn, Thomas Gadsden, Wm Saxby Senr Wm Saxby Junr and Samuel Wheatley Esqrs Patent and Warrant Officers under Your Majesty in Your Majestys Province of So Carolina

Sheweth.

That the Assembly of that Province in May last passed an Act intituled An Act for ascertaining Publick Officers Fees.

Which Act under the Specious Title doth as Your Petrs are advised very highly affect Your Majestys Royal Prerogative and is greatly prejudicial to the Propertys of Your Petitioners.

That the said Act was past in the absence of a Governor in Chief under the Administration of the Lieut. Governor without any Suspending Clause and as Your Petitioners are informed & apprehend in direct breach of several of the Royal Instructions.

Your Petitioners therefore most humbly pray Your Majesty that you'l be graciously pleased forthwith to Declare Your Royal Disapprobation and Repeal of the said Act of assembly and that your Petitioners may be heard by their Counsel against the said Act.

And your Petrs (as in duty bound) shall ever pray

Jno. Sharpe Agent
for the Petrs

B.P.R.O. South Carolina (B.T.) Vol. 26. p. 197

Whitehall
January 25th 1736/7

To Benj. Martyn. Esq. Secry to the Trustees for Establishing the Colony of Georgia

Sir,

Mr. Furye, Agent for South Carolina having attended my Lords Commissioners for Trade & Plantations, this Morning presented a Memorial setting forth that he has receiv'd Directions from Carolina not to proceed on the Complaint depending before their Lordsps against the Magistrates of Georgia, until he shall receive further Instructions and Proofs relating to that Affair from the Assembly of South Carolina who were preparing the same; Their Lordsps therefore have postpon'd the Consideration of this matter, which was to have been, on Tuesday the 8th of next Month, to some further Time, of which I shall have directions to give you Notice for the Information of the Honble Trustees for Establishing the Colony of Georgia I am.

Sir.

Your most humble Serv.t

A. P.

B.P.R.O. A & W. I. Vol. 19 p. 72

Extract of a Letter from the Committee of Assembly in South Carolina to Mr Fury Agent to the Province dated the 25th of January 1736/7

The Lieutenant Governor has received advice from Commodore Dent at Jamaica of a formidable Force intended by the Spaniards against the Colony of Georgia. The Lieutenant Governor has sent an Account of the Particulars to his Grace the Duke of Newcastle. It is the desire of the General Assembly that you should wait on such of his Majesty's Ministers as you shall Judge proper, to assure them that this Province will exert their utmost Strength in Defence of Georgia, but it will be absolutely necessary for you to represent to them at the same time, the weak and defenceless Condition of the Province, and how incapable we are of helping ourselves. Our Taxes are already become almost insupportable, and 'twill be with the greatest difficulty, that we shall be able to raise new Supplys, since our present Currency will decrease so fast, and We have no hopes of more, but from His Majesty's Goodness in assenting to the Act passed by the late Assembly. We must not presume to point out the method in which we are to be assisted, but if our Informations are Just, and we think we have no reason to question them, the Spaniards are preparing a much superior Force to any that we can raise; The Ships of War which are on this or the Northern Stations consist of Twenty Guns only; the Spaniards at the Havana have Ships of Ships of Seventy Guns, and great numbers of Men ready to embark on the first notice. From the West end of Cuba to Georgia is a short and easy Passage; if Georgia or this Province should be lost to the Crown of Great Britain, the Northern Collonys will not be in the easiest situation; It must be left to His Majestys Wisdom, to determine, how far they ought to Contribute to our Defence.

B.P.R.O. A & W.I. Vol 19. p. 73

Charles Town Feb^{ry} the 6th 1736/7

My Lord,

The Inclosed is Copy of a Letter I received two Days ago by the Hands of Captain Fox, Commander of His Majesty's Sloop the Drake Dispatched hither by Commodore Dent at Jamaica, by which Your Grace will discover the designs formed by the Spaniards to invade and unsettle the Colony of Georgia, & to excite an Insurrection of the Negroes of this Province.

The General Assembly being now sitting I communicated the Contents to both Houses, and have with their Concurrence prepared Instructions to be sent by Express to the Agent of this Province, among the Creek Indians, to use all Effectual means to engage them in the Interest of Georgia and this Province; which I find the more immediately necessary by an Account I received Yesterday from an Indian trader just arrived from thence, who informed me that some Spaniards and French were lately among them, & made them presents, & that some of their Warriors were invited lately to S^{t} Augustine, with a view I presume to Seduce them to the Spanish Interest; The General Assembly
have

have directed presents now to be made them, without Reserve as our Agent there shall see Necessary to Confirm their Adherance to His Majesty's Subjects of Georgia & this Province. I received also an Account That two Foreign Gentlemen, who came lately from St Augustine have been for some days past at Port Royal, forming a pretence to settle in this Province and taking a view of the Harbour & Country I yesterday sent Orders to have them apprehended & brought hither - the Spanish Designs seem the more probable from advice I have that the Barracks at St Augustine have been lately enlarged for the Accomodation of 500 Men more than usual, and that the Governor of that Garrison sent to New Yorke & this Province, for a large Supply of Provisions, I have therefore Ordered an Embargo to be laid on all Vessels suspected to be going thither with Arms or provisions But as His Majestys Instructions are wholly Silent on that head, I had an Act of Assembly Yesterday passed to make my Authority the more Clear from exception I have also ordered all Spaniards in this Port to be secured, there being a Sloop with some lately come in here, pretends distress of weather and want of provisions. -

There came a Packet of Letters at the same time with mine from Commodore Kent, directed to the President of Georgia, and I presume of the same purport, which I sent thither with assurances to the Head Bayliff there, that I shall take all Measures equally for their Safety & ours, & desiring him to dispatch some Persons hither, to inform me of their Strength & Condition, & to Concert with me on the most proper Means for their Security.

The Inhabitants about Port Royal being but thin, I am about Issuing Orders to have 100 men immediately raised upon pay to Scout about, and watch the Inlets, & shall forthwith send up some Canon with an Engineer to form some Convenient Batteries, & in a few days a Sloop will be fitted out at the Expence of the Publick to Cruize on the Coasts of both Colonys.

I have consulted with Captain Wyndham Commander of the Rose Man of War on this Station, who has sent at the request of me and the Council, for Captain Compton at Virginia, and if Suspicions Ripen will send for another Ship to the New Yorke Station.

I have also ordered a General Muster of all the Militia throughout the Province, & as our Negroes are very numerous and more dreadful to our Safety, than any Spanish Invaders, there is an Act of assembly now preparing, to have strong Patrols established in all Convenient Districts, I am also sending for Some Cherokee Indians to come down to the Settlements to be an awe to the Negroes.

These are principally the Steps I have yet taken upon this occasion, & what I shall further discover or proceed in shall be Carefully Communicated to Your Grace as opportunity Serves.

His Majesty's paternal Care is so extensive to all his Subjects that we doubt not of his timely assistance, as it shall appear to be necessary, I have only to add, that the People of this Province in general shew a true attachment to His Majesty's Interest & Service, & will I doubt not behave with approved Courage on any Emergency -- I am my Lord With most Consummate Regard

Your Graces
Most Obedient and
Most humble Servant
Tho: Broughton

To his Grace the Duke of Newcastle

B.P.R.O. So Carolina B.T. Vol. 8 F. 47.

(26th Jan. 1736/7)

At the Council Chamber Whitehall
the 26th day of January 1736/7

By the Right Honble the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased by His Order in Council of the 19th of this Instant to referr unto this Committee the humble Petition of Sebastian Zouberbuhler of the Canton of Appenzel in Swisserland, Setting forth that he hath made a Contract with the Council of South Carolina for settling a Township up the River Savannah, on a place formerly an Indian Villiage, then called Savannah Town at present New Windsor; and for bringing over one hundred Protestant Familys in the Space of one Year, with a further Promise to bring over two hundred familys more after the first hundred shall be settled and able to subsist themselves; and humbly praying that, as an Encouragement for his said Undertaking, His Majesty will be graciously pleased to grant unto him and his Assigns eight thousand Acres of Land half of them within the Six miles of the said Town called New Windsor and the other half contiguous to the said Six

48,000

See f. 179

Six Miles with a particular Order for the said Land to be marked out before the first of October next (being the time limited by the said Contract), with an Exemption of Quit Rents for the first ten years. And further praying that His Majesty will be pleased to Order His Governor of South Carolina to recommend to the Assembly of that Province that the Sum of two thousand eight hundred pounds Carolina Currency, may be given to the Petitioner (being the same Sum as was granted to Colonel Purry upon making a like Settlement) that he may be the better enabled to perform his undertaking with all possible speed — The Lords of the Committee this day took the same into their Consideration, and are hereby pleased to referr the said Petition (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to this Committee.

W. Sharpe.

Recd 7th } Febry 1736/7
Read 8th

(Enclosure.)

To the Kings Most Excellent Majesty
in Council.

The Humble Petition of Sebastian Zouberbuhler of the Canton of Appensel in Swisserland Sheweth;

That from the Encouragements given to Colonel Purry for the settling a Township upon the River Savanna in South Carolina (by the name of Purrysburg) according to the 43 Article of Your Majestys Instructions to the Governor of South Carolina; He the said Zuberbuhler was induced to set out at his own cost and charge from his Native Country for South Carolina, where he arrived in November 1734 in hopes of meeting with the same encouragements in proposing to People another Township.—

That during his stay in South Carolina he travell'd all over the Country to take a view of the Lands, where Your Majesty has Ordered the Townships to be laid out, and after several conferences held with the Council at Charles Town he the said Zouberbuhler concluded a Contract with them signed the 17th July 1736 for settling a Township up the River Savanna on a Place formerly an Indian Village, then called Savanna Town (at present New Windsor) and for bringing over one hundred Protestant Familys in the space of one year wth a farther promise to bring over two hundred Familys more after the first hundred be well settled and able to subsist themselves.

That in pursuance of the said Contract the said Sebastian Zouberbuhler writ to his friends at Appenzel to come away with as many familys as could be got ready accordingly they set out with about fifty Familys consisting of one hundred and Ninety two Persons (most able Body'd young people and not above twenty children among them) in the beginning of August last and arrived at Rotterdam in September following where they met with great hardships and a long detention from the Magistrates of Rotterdam pretending to oblige them to embark in a Dutch Vessell when the said familys had already contracted for their passage to Carolina in an English Vessell which occasioned a demurrage of Six weeks and an expence of several hundreds of pounds to the Great Loss and Detriment of the said Zouberbuhler his Friends & the said familys till by the intercession of Your Majestys Minister at the Hague they obtained Leave to embark in the said English vessel which they did in November last and sailed directly for Carolina.

The said Zourberbuhler humbly begs leave to observe That this settlement falls upon the furthermost Borders of South Carolina above 130 Miles by Land and and 200 Miles by Water higher than Purrysburg near the Mountains, and the nearest to the French Colonys as well as to the Indians, and therefore fully Answers your Majestys most Gracious Intention of serving as a Frontier Town to Carolina but will oblige the Settlers to an extraordinary trouble and Expence by Keeping a continuall Guard for fear of a Surprize from the said Neighbouring Nations.—

That the Province of South Carolina has maintained at a great expence for these many Years a Fort and a Garrison, where this Township is mark'd out to cover themselves from any sudden invasion which charge by this new Settlement, not only may be saved in a few years, but all His Majestys Subjects in those Dominions be in more safety than ever, by settling there Laborious People such as the Swiss are reputed to be.

That this Settlement being the most remote from any of the Antient Towns in South Carolina the expences of carrying and settling the People so farr up the Country will be more considerable than those of any undertaking of this nature have been.

That the People which the said Zouberbuhler undertakes to carry over, are not composed of divers Nations or Vagrants (who when they come to the Plantations frequently disperse, as being strangers to one another and talking different languages) but are whole Parishes of one Canton, & mostly Familys related to one another. –

That they are chiefly qualified for cultivating hamp and Flax, and the Lands of the said Township being very fitt for that purpose, nothing can be of greater advantage to England than the producing of a Community.

The premisses being duly considered the said Zouberbuhler humbly hopes that Your Majesty will be Graciously pleased to Grant unto him and his Assignes (as a recompence for his Great Labour Trouble and Expence he has already been at and to enable him to bear the farther charges he will be obliged to beat immediately. in Order to compleat the first hundred Familys contracted for) Forty Eight Thousand Acres of Land, half of them within the Six Miles of the said

Township called New Windsor and the other half contiguous to the said Six Miles, with a Particular Order to the Governor of South Carolina to let the whole Forty eight Thousand Acres of Land be measured or run out and set aside in the manner aforesaid for the property and use of the said Sebastian Zouberbuhler or his Assignes, before the first of October next of the year One Thousand Seven Hundred & Thirty seven, the time limited by his said Contract which number of Acres is more than was granted to Colonel Purry, tho' not the third part so farr up into the Country, nor so immediately exposed to the invasions of the Indians and the French as this New Settlement will be.

As it will require a number of Years as well as a great expence to clear the said Forty eight Thousand Acres so as to be in a Condition to pay Quit Rents the Petitioner humbly beggs that Your Majesty will be Graciously pleased to exempt them of the said Quit-rents for the space of ten years as was granted to the said Colonel Purry.

Whereas the Sum of £2800 Carolina Currency amounting to about four hundred pounds Sterling was granted to the said Colonel Purry by the Government in South Carolina, as a reward on his bringing over only One hundred Men, the said Petitioner humbly entreats your Majesty to order the Governor to recommend to the assembly, that the like sum may be given to the Petitioner, on his having introduced the said one hundred familys, out of the funds which your Majesty has Granted to the said Government, for encouraging and Supporting New Settlers.

These three points being granted to the said Petitioner, he will be enabled to engage several of his Friends, to Advance such Sums as may be required for so expensive an undertaking (which he is not able to cary on at his own charge) and to proceed to his Country the Canton of Appenzel in order to compleat the first hundred Familys he has contracted for to be carryed over to the said Township in One year from October last of which there is near four Months expired. —

Therefore he humbly prays your Majesty will be Graciously pleased to grant him the foresaid points, that he may be able to perform this undertaking with all possible speed since the success of the whole depends upon it.

And your Petitioner will ever pray &c
Sebastian Zouberbuhler

B.P.R.O. So. Carolina B.T. vol 8. F. 45

(28 Janry 1736/7)

Sir,

I have laid before the Trustees for Establishing the Colony of Georgia Your letter of the 25th inst, wherein you signify, that Mr Fury had presented a Memorial for the Lieut. Govr Council and Assembly of South Carolina desiring, that the hearing of the subject matter of their Complaint against the Magistrates of Savannah in Georgia, contained in a Representation dated July 17 1736. Which was appointed by the Lords Commrs for Trade and Plantations to be on Tuesday the 8th of next Month, might be deffer'd; and that their Lordships have accordingly put off the said Hearing

The Trustees have ordered me to desire You to lay before their Lordships the hardship, which they conceive they lye under from this Delay, When they had prepared their Council, and were ready to produce their Evidence, which they are firmly persuaded would entirely clear them to their Lordships. and the Whole World from the unjust accusations contained in the said Complaint. This hardship affects them the more, since, as the hearing is put off indeterminately, and without any certain day, they are in danger of losing living Evidence, capable of answering to every Objection and which they have now in their Power to produce

The Trustees therefore Hope that, if the said 8th of February shall be found inconvenient their Lordships will appoint a short day for the hearing of the said Complaint, that they may have an Opportunity of justifying themselves from the groundless Accusations therein contained, Which is the more necessary for them, since they cannot hope for the Encouragement they have hitherto received till they have cleared themselves from the said acusations.

The Trustees cannot imagine that their Lordships will give any countenance to such a Complaint which comes unsupported by any Evidence or Proof, and which must appear to all the World to be designed rather as a Calumniation than an Accusation since (tho' passed by the Council and Assembly of So Carolina July 17 1736) they have not thought fit to send over in all this time any Evidence to make it good, But as soon as they understood that Mr Oglethorpe was embarked for England with such Evidence on the Part of the Colony of Georgia, as would plainly show how groundless their Accusations were; they then immediately gave directions to their Agent to present this Memorial, wherein they desire their Lordsps to put off the Cause for this extraordinary Reason, because they must send over some further Instructions and Proofs relating to that affair Whereas in Honour and Conscience they ought not to have presented their Accusation, and made publick their Complaint against the Proceedings in Georgia, till they had sufficient Evidence here ready to support it

The Trustees therefore are persuaded, that their Lordships will reflect on the ill Consequences which will attend their continuing exposed, without a possibility of making a Defence, to the Obloquy of Persons, unacquainted with their Proceedings

I am
Sir
Yor most Obedt Servant
Benj: Martin

Georgia Office
Jan. 28th 1736/7

Recd Jany 28th } 1736/7
Read Feb. 1st }

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 199.

Whitehall,
Feby 1st 1736/7

To Francis Fane Esq.

Sir,

My Lords Commissioners for Trade and Plantations command me to send you the Eleven Enclos'd Acts passed in South Carolina in May 1736 and One Law, called An Ordinance passed in the same Province in June 1736 and to desire Your Opinion thereon in point of Law as soon as conveniently may be,

I am.
Sir
Your most humble Servt
A. P.

An Act further to Empower the Commissioners of the high Roads in the Parishes of St Philips, St James's Goose Creek and St Andrews

An Act for appointing Commissrs to lay out a Road, from the Road that leads from
Will

Will Town to Charles Town to the Road that from Smiths Ferry otherwise called Parkers Ferry to Charles Town and to Keep the same in Repair

An Act for Stamping, Emitting and making Current the Sum of £210,000 in Paper Bills of Credit and for ascertaining and Preserving the future Value thereof &c.

An Act for raising the sum of £30,387-3-7d for defraying the Charges of the Government for One Year, Commencing March 25th 1735 and ending March 25th 1736 and for applying the sum of £1000 now in the hands of the publick Treasurer &c.

An Act for regulating the Market in the Parish of St Philips, Charles Town, and for preventing Forestalling, Regrating, Engrossing &c.

An Act for preventing as much as may be Accidents which may happen by Fire in Charles Town

An Act for repairing the Old and Building of New Fortifications for the Security and Defence of this Province from Attacks by Sea, &c.

An Act for Encouraging the raising of Hemp Flax and Silk within the Province of

South Carolina

An Act for the relief and Employment of the Poor of St Philips. Charles Town for Suppressing and punishing Rogues. Vagabonds &c,

An Act for incorporating the Vestry of the Parish of St Thomas in Berkley County, & for Enabling the said Vestry to put in Execution the Trusts reposed in them by the last Will and Testament of Richard Berresford Esq, Deceas'd. &c,

An Act for Ascertaining publick Officers Fees.

An Ordinance for Asserting and maintaining the Rights and Privileges of his Majesty's Subjects of this Province of South Carolina to a free open and uninterrupted Trade with the Creek Cherrokee and other Nations of Indians.

B.P.R.O. So. Carolina B.T. Vol 8. F. 48.

(4th Febry 1736/7)

At the Council Chamber Whitehall
the 4th day of February 1736
By the Right Honble the Lords of the Committee
of Council for Plantation Affairs

The Lords of the Committee this day tooke into their Consideration, the Humble Petition and Representation of the Trustees for Establishing the Colony of Georgia in America, containing a Complaint against the Lieutenant Governor and Council and Assembly of South Carolina for having opposed the Execution of an Act approved by His Majesty in Council on the 3rd of April 1735 Entituled an Act for maintaining the Peace with the Indians in the Province of Georgia and also for having past an Ordinance in an illegal manner for raising two thousand pounds Sterling to indemnify the Traders from Carolina in the Contempt of the said Act; By means whereof several Disorders have arisen, and an House within the Bounds of the Colony of Georgia hath been pulled down, and therefore humbly praying His Majesty to take the Premises into His Royal Consideration, and to give such Orders therein; as may preserve His

Majesty's Subjects in Georgia from the like Violences, for Endeavouring to Execute the said act – and their Lordships think it proper hereby to referr the said Petition (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to this Committee.

W Sharpe.

Recd 19th Febry }
Read 24th Do } 1736/7

(Enclosure)

(Enclosure)

To the Kings most Excellent Majesty
The humble Petition and Representation
of the Trustees for establishing the Colony of
Georgia in America. —

May it please Your Majesty

It is with great Concern that We find Ourselves Obliged to lay before Your Majesty a Representation of the Disregard shewn to Your Majesty's Authority by the Lieut. Governor Council and Assembly of South Carolina in openly Opposing the Execution of an Act approved by Your Majesty in Council on the 3d. day of April 1735 Entituled An Act for maintaining the Peace with the Indians in the Province of Georgia notwithstanding that Your Majesty was pleased by a Letter transmitted by His Grace the Duke of Newcastle the 11th. of October 1735 to Recommend to the Lieutenant Governor and Council of that Province their giving all Countenance and Assistance for the execution of the said Act — But may it please Your Majesty instead of paying the Regard due to such a Recommendation or to an Act which had the Sanction of Your Royal Approbation in Council they proceeded so far in their Opposition as to pass an

Ordinance in an Illegal manner for raising two thousand pounds Sterling to indemnify the Traders from Carolina in their contempt of the said act and in consequence of this Illegal Ordinance several Traders came from Carolina into the Province of Georgia and in Particular Thomas Wright a transported Convict was employed as a licensed Trader from Charles Town to animate the Indians inhabiting within the said Province against your Majestys English Subjects by a great many Villainous Reports + Suggestions which occasioned the pulling down of an House within the Bounds of the Province of Georgia and the further endangering the Peace of the said Province. –

And therefore Your Majestys Dutifull Subjects the Trustees for Establishing the Colony of Georgia in America Supplicate Your Majesty That taking the Premises into Your Royal Consideration You will be graciously pleased to give such Orders herein as may preserve Your Majestys Subjects in the Province of Georgia from the like Violences for their endeavouring to Execute the said act for preserving the Peace with the Indians with the Province of Georgia.

Signed by Order of the said Trustees this 19th of Jany 1736
Benj. Martyn Secretary

B. P. R. O. South Carolina B. T. Vol 9. I 68.

(4th February 1736/7)

At the Council Chamber Whitehall
the 4th day of February 1736

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs.

The Lords of the Committee this day took into their Consideration the humble Petition of the Merchant of the City of London Trading to South Carolina in behalf of themselves the Merchants of Bristol and all other the Merchants of this Kingdom Trading to that Province (Referred to this Committee by Order in Council of the 31st of last Month) complaining of an Act passed there in May last Intituled "An Act for Stamping Emitting and making Current the Sum of £210,000 in Paper Bills of Credit and for ascertaining and Preserving the future value thereof to be let out at Interest on good Security at eight pounds ꝑ Cent ꝑ Annum and for Applying the said Interest to the Purposes therein after mentioned And for Exchanging the Paper Bills of Credit in this Province and making them less Subject to be Counterfeited And also to Encourage the Importation of Gold and Silver into this Province" And Praying that His Majesty will be graciously pleased to give his Royal Disapprobation to the said Act. And their Lordships think it proper hereby to refer the said Petition (a Copy whereof is here-unto annexed to the Lords Commissioners for Trade and Plantations to Consider the same and Report their Opinion thereupon to this Committee

W Sharpe

(Enclosure)

To the Kings most Excellent Majesty in Council
The Humble Petition of the Merchants of the City of London Trading to South Carolina in behalf of themselves, the Merchants of Bristol and all other the Merchants of this Kingdom Trading to that Province.

Sheweth

That the General Assembly of the said Province passed in May last an Act Intituled "An Act for 'Stamping Emitting and making Current the Sum of two 'hundred and ten thousand Pounds in Paper Bills of 'Credit and for ascertaining and preserving the future 'value thereof to be let out at Interest on good

"Security at eight pounds per Centum per Annum and for applying the said Interest to the Purposes there inafter mentioned and for exchanging the Paper Bills of Credit in this Province and making them less Subject to be Counterfeited And also to incourage the Importation of Gold and Silver into this Province.

That should the said Act have Your Majestys Royal Approbation it will necessarily be a Discouragement to the Trade of this Kingdom and the better Settling of South Carolina and inevitably bring very great Losses on Your Petitioners and all those who have any Dealings to or any Debts owing them in the said Province.

Therefore Your Petitioners most humbly beseech Your Majesty that Your Majesty will be graciously pleased to give Your Royal Disapprobation to the said Act.

Samuel Barons,
William Hodshon
Thos Hebert
John Thorpe

Pr Simond,
Thomas Smith
Peter Flower
John Radburne
Jno Carruthers
Wm Somervy
Owen & Chamberlin

Saml Baker
Wm Wragg
Geo Morley
John Nickleson
Wm Baker
Saml Lance
Elyas Smith & Bonovrier

Dd Godin
Joseph Wragg
Jas Pearce
John Hewlett
Richd Shubrick
Saml Bonham
Henry Lascelles
W. Gerrish

W Gerrish, Ra Noden, S Wragg
Edwin Somers, Thomas Hyam, Benjamin Bell
Wm Atkin
Wm Vaughan

Recd Novbr 29th } 1737
Read Decr 7 }

B.P.R.O. So Carolina B.T. Vol 8 F. 50

Charles Town the 6th February 1736/7

My Lords

I am persuaded your Lordships will esteem the Enclosed Letters to be of that importance, that I ought not to omit a Moments Opportunity to Communicate them to Your Lordships

On the fourth of this Instant arrived here Capt Fox in the Drake Sloop who was despatched by Commodore Dent, with these advices and others of the same Import, to the Commander in Chief of the Colony of Georgia, the latter of which I have forwarded with the utmost Expedition and have at the same time wrote to the Chief Bayliff to send some proper Persons to Charles Town to inform me of the Strength and Condition of that Colony, & to concert Measures with me for the Common safety, I have also sent Expresses into the Indian Countrys with proper Instructions to our Agents amongst them Indians to take the most effectual measures to attach them to the Interest of Georgia & this Province.

I have ordered a Reinforcement of the Southern Regiment, which lies nearest to Georgia and have appointed a General Muster of the Militia, that the whole Forces of this Province may be ready to march to the Assistance of Georgia, in case of an Attack, and as our Negroes are very numerous an Act of the General Assembly is passed, to establish Patrols throughout the Country to keep the Negroes in order, and to Guard the Sea Coasts, Whilst the Chief strength of the Province shall be employed in the Defence of Georgia.

The General Assembly have with much readiness come into Measures to defray the Great charge which will be required for the Support of the Forces put into Pay on this occasion and to provide for the presents necessary to be distributed amongst the Indians, to prevent the Attempts of the Spaniards in seducing the Indians from our Interest, of which I have received the freshest Accounts.

I am very fully persuaded that the People of this Province will exert their Utmost Strength and ability to Defend the Colony of Georgia, and although the Publick Charges are become almost insupportable yet they will still persevere in their Endeavours in hopes of His Majesty's more powerful Aid.

I have by this Opportunity transmitted to His Grace the Duke of Newcastle an Account of the Advices which I have received, and of the steps which have been taken, and I have not the least Reason to Doubt but that His Grace as well as Your Lordships will represent the Matter to His Majesty, in such a manner that the Colony of Georgia, may receive timely assistance, and that His Majesty will take under his Royal Consideration, the faithfull Endeavours of His Subjects in this Province, on all occasions to promote His Majesty's Interest and Service

I have the Honor to be
My Lords
Your Lordships
Most Faithfull and
most obedient Servant

To the Right Honble the Lords
for Trade and Plantation

(From Col. Broughton)
Recd 29th
Read 30th } March 1737

(Enclosure)

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(Enclosure.)

Sir

The Inclos'd came to hand the 23rd of last Month and came by the way of Carthagena in one of the Assiento Vessels, so that between its date and my receiving it is near seven weeks, however as soon as possible have dispatched His Majesty's Sloop the Drake Capt. Fox Commander, and hope will arrive time enough to prevent any surprise to your Neighbouring Colony. If any villany is designed, I must beg you will conceal as much as possible the Gentlemans name who gives ye Information, as it may be of the utmost Ill consequences to him, as well as to the South Sea Companys Affairs should the Spaniards know from whence it comes. And if any such Design is in Agitation 'tis very possible that this D'Jombo may in some disguise or other, make an Errant from St. Augustine to see in what Posture Georgia is in, I'm in hopes by that means, he may be secured and brought to justice for his Villany

I have by this Opportunity wrote to all the Commanders of His Majesty's Ships Stationed near you and sent them Duplicates of the Inclosed. Please to own the Receipt of this and You'l oblige.

Sir

Your most Obedient humble
Servant

Dunkirk Port Royal D. Dent
Jama 6 Janry 1736.

To his Excellency the Governor or the
President and Commander in Chief
of His Majestys Colony of South Carolina

(Enclosure)

Hond Sir,

Although hitherto have not been honoured with your Acquaintance, still have had the Pleasure of knowing your Worth Justice and Merit in all Your Proceedings, the which induces me first as I think its my Duty to my Country and Secondly as I'm certain you will prevent if possible all Mischief that are or shall be Cooking or Hatching against his Majestys Colonys, therefore as this Opportunity is of a Sudden, have but just time to Inform you, that the 28th Ultimo N.S. arrived here an Advice Boat from Cadiz in fifty days with some Packets of Letters for the Havana, she is to stay here but a few days, and then proceed for Carthaxena with dispatches to the several Governors of New Spain, with Advice to the Commerce of Lima, that there is coming from Cadiz Seven Merchant Ships Stiled by the name of Register Ships, and two men of War for their Convoy.

The Material Point which I thought was necessary of Advising you is this, That in this Advice Boat came a Gentleman Passinger, he goes here by the name of Dn. Miguel Wall, he pretends he is an Irish Man, and has he says a Com̄ission for a Lieut. Colo. of Dragoons, and also a Com̄ission for a Captain of a Man of War, which he says is now ready for him in the Havana, He has letters of Credit and Recommendation from Pattino, He is very Gay and Brisk, and Our Governor here made very much of him, and gave a Charge to all the Alcaide of His District to see the said Gentleman should want for nothing in his way to the Havanna. The Bustle and Stir they made here of this Man's Arrival, made me a little Inquisitive and Curious to know what Errant he was sent upon by the King of Spain, accordingly Invited him to the Factory to Dinner, and finding him a Free Facetious Gentleman, and loved his glass, I applied him home, and as often times Men over their Cups drops words strangely, that they don't think of.

so by this means I came to the knowledge he was no Irish Man, nor was his name Wall, but if I am right his name is Peter Jacob D' Tombe, formerly a Lieutenant in the English Service, but am not certain of it, but as to his Errant he came upon think I pretty well sifted him, and it seems he is to make a descent on the New Settlement of Georgia. He is to be Supplied both Money and Men at the Havana, and to go with his Man of War and other Craft and Peraguas to St Augustine in Florida, and there Joyn another party with some Indians to March to Georgia. He seems to me to have a notion as far as I learn to have a Proclamation published in the King of Spain's name, That all Slaves that will come in to them shall have their Freedom and a Reward &c This is all I know of at present, So I conclude that I sincerely wish that this Gentleman may be dissapointed by an Early advice, to the Governor or Chief Commander of that Colony &c. —

To Digby Dent Esqr

B.P.R.O. So Carolina B T Vol 8 I 56

Charles Town So Carolina 20 Feb 1736/7

My Lords,

I inclose to your Lordships a Duplicate of my Letter of the 6th Inst. with Copys of the Advices I received from Commodore Dent, Stationed at Jamaica and as nothing has since happend worthy Communicating to Your Lordships, You will permit me to Conclude with assuring Your Lordships that I shall with Advice of His Majesty's Council and Assistance of the General Assembly, Enter into and Pursue all such Measures, as may appear the most proper to His Majestys Service, and the Safety of His American Dominions, and that I am with great Respect

My Lords

Your Lordship's Most Obedient
and most humble Servant
Tho. Broughton

Right Honble The Lords for Trade & Plantations.

Recd May the 5th }
Read June the 3rd } 1737

B. P. R. O. A + W. I. Vol 19. p 75

Charles Town So Carolina 20th Feb 1736/7

My Lord

I enclose to Your Grace a Duplicate of my Letter of the 6th Inst. with Copys of the Advices I received from Commodore Dent, Stationed at Jamaica And at nothing has happened since worthy Communicating to Your Grace, you will permit me to Conclude with assuring you that I shall with Advice of His Majestys Council and Assistance of the General Assembly, Enter into and pursue all such Measures as may appear the most proper to His Majestys Service, and the safety of His American Dominions, and that I am with the greatest Respect

Duplicate
[illegible]

My Lord
Your Graces
Most Obedient and
Most Humble Servant
Tho: Broughton

His Grace the Duke of Newcastle
His Majestys Principal Secretary of State

B.P.R.O. So Carolina B T. Vol 8. F. 49

(26th Febry 1736/7)

To the Right Honble The Lords
Commissioners for Trade and
Plantations.

My Lords

In Obedience to your Lordships commands signifyed to me by Mr Popple I have considered the following act passed at South Carolina in May 1736 Entituled

An Act for Ascertaining Public Officers Fees and have been attended by Mr Sharpe who appears in behalf of the Patent Officers of the Crown in this Colony and he has represented to me that by this Act without the least complaint of Corruption or Misbehaviour in their several Offices three parts in four of the Legal Fees of the Patent Officers are entirely taken away. I beg leave to observe to your Lordships that The practice of lessening the Fees of the Officers appointed by the Crown prevails so much in the Colonys abroad that without your Lordships Interposicon His Majesty's Gracious Intentions in his Grants of Offices must be soon entirely defeated. This seems to me If the Facts are true, wch have been represented to me, the most Extraordinary attempt of the kind, and therefore I am humbly of Opinion, that the act ought to be repealed

which is humbly Submitted by

26th Febr 1736/7

My Lords

Your Lordships most

Obedt Servant

Fran: Fane

Recd 4th } March 1736/7
Read 8th }

B P R O South Carolina B T Vol 9 F 70.

Whitehall March 3d 1736/7

My Lords

His Majesty having been pleased to appoint
Samuel Horsey Esqr Governor of the Province of South
Carolina in America, I am to acquaint Your Lordps
with His Majestys Pleasure, that you should pre-
pare Draughts of a Commission, and Instructions for
Him accordingly, to be laid before His Majesty
for His Approbation.

But His Majesty having some Time
since, appointed James Oglethorpe Esqr to be General
and Commander in Chief of His Forces in South
Carolina, & Georgia, and having also appointed the said
Samuel Horsey Esqr to Command the Forces in South
Carolina, under Mr Oglethorpe, as Lieutenant General
there, Your Lordps will insert such Clauses in the
Draught of His Commission, and Instructions, as shall
appear to you to be proper for that Purpose

I am

My Lords

Your Lordps

Most obedient humble Servant

Holles Newcastle

Lords Commissrs for Trade

Recd March 6th } 1737/6
Read Do

B. P. R. O. South Carolina (B.T.) Vol 26. p. 202.

Whitehall
March 15th 1736/7.

To the King's most Excellt Majesty

May it please Your Majesty

We have lately had under our Consideration, an Act passed in Your Majesty's Province of South Carolina in May last. Entituled An Act for ascertaining Publick Officers Fees

Upon this Act We have taken the Opinion in Point of Law, of Mr Fane, one of Your Majesty's Council at Law; and having been attended by Mr Morley One of the Patent Officers Mr Sharpe in behalf of the others, and by the Agent of the Province, We have heard what each Party had to offer, for and against the same; Whereupon We take leave to represent to Your Majesty.

That it does not appear to us, that there was reason for Complaint against any of the Patent Officers for Extortion in their several Offices: Nor does the Preamble of the Act accuse any of them therewith. So that any Act for as-

ascertaining publick Officers Fees was unnecessary But even if Complaints had been made against any the said Officers, Your Majesty's Govr. with the Consent of the Council is empowered and directed by Your Majesty's 53rd Instruction to regulate all Salaries and Fees &c to take care that they be within the Bounds of Moderation, & that no exaction be made on any Occasion Whatsoever.

As this Act is an Act of an extraordinary Nature and greatly affects the Property of Your Majesty's Patent Officers, whom the Governor by his 74th Instruction is directed to protect in the Enjoyment of their Legal and accustomed Fees &c, there ought to have been a Clause inserted therein for suspending the Execution thereof until Your Majesty's Pleasure could have been known according to the 22nd Article of Your Majesty's Instructions. We therefore humbly lay the said Act before Your Majesty for Your Disallowance.

Which is most humbly submitted.

Fitz-Walter, Tho. Pelham.
O. Bridgeman. J. Brudenell.
Rd. Plumer.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 205

Whitehall

March 15th 1736/7

To the Right Honble the Lords of the Committee of His Majesty's most Honourable Privy Council.

My Lords.

We have had under Our Consideration a Petition referr'd to us by your Lordships Order of the 21st of January last of George Morley. James Wedderburn, Thomas Gadsen. William Saxby. Junr. & Samuel Wheatley. Esqr. Patent and Warrant Officers under his Majesty in the Province of South Carolina. complaining of An Act pass'd there in May last. entituled An Act for ascertaining Publick Officers Fees. and praying that His Majesty will be graciously pleased forthwith to declare his Royal Disapprobation and Repeal of the said Act.

Upon this Act We have taken the Opinion in Point of Law of Mr. Fane, one of his Majesty's Council at Law; And having been attended by Mr. Morley. One of the Petitioners. Mr. Sharpe in behalf of the others, and by the Agent of the Province, We have heard what each Party had to Offer, for and against the same. Whereupon We take leave to acquaint Your Lordsps

That it does not appear to us, that there was reason for complaint against any of the Petitioners for Extortion in their several Offices nor does the Preamble of the Act accuse any of them therewith: So that any Act for ascertaining publick Officers Fees, was unnecessary But even if Complaints had been made against any the said Officers his Majesty's Governor with the consent of the Council is empower'd and directed by his Majesty's 53rd Instruction to regulate all Salaries & Fees, and to take care that they be within the bounds of Moderation and that no Exaction be made on any. occasion whatsoever.

As this Act is An Act of an extraordinary Nature, and greatly affects the Property of His Majesty's Patent Officers whom the Governor by his 74th Instruction is directed to protect in the Enjoyment of their Legal and accustomed Fees &c, there ought to have been a Clause inserted therein for suspending the Execution thereof until his

Majesty's Pleasure could have been known, according to the 22nd Article of His Majesty's Instructions. We are therefore of Opinion the Prayer of this Petition is well founded, and that the said Act ought to be disallow'd. We have therefore made a Representation of this Days Date to his Majesty for the Report thereof. We are

My Lords
Your Lordships
Most obedient and
Most humble Servts
Fitz. Walter
Tho. Pelham
O. Bridgeman
Ja. Brudenell
Rd Plumer

B. P. R. O. So Carolina B. T. Vol 8. F 52.

(19 Mar. 1736/7)

Explanation of some Points of the Petition of Sebastian Zouberbuhler for introducing One Hund Swiss Familys into South Carolina in order to begin the peopling of a New Township by the name of New Windsor.

According to the 43th Artl of His Majesty's Instruction to the Governor every person that settles in a New Township is intitled to one Lott in the Town & to fifty Acres of Land, and the Province allows one years Provision, for the support of which His Majesty has granted to the Assembly of So Carolina a certain fund out of the Duty paid for every Negroe introduced into that Colony; But experience having shewn that this advantage is not sufficient to encourage a large number of People to leave their own Country without some person at the head of them in whom they can place a confidence to conduct them, and who will pay for the passage of those that are not able to bear that expence, His Majesty was graciously pleased to grant Coll. Purry for himself & Assignes Forty eight thousand Acres of Land (separately from the Fifty Acres of Land the Lott and one Years Provision to which every person is entituled) on condition to carry over to South Carolina Six hundred Souls in the Space of Six years in order to settle a Township upon the river Savanna, as a reward for his trouble and expence in performing such hazardous and chargeable an undertaking. Moreover the Aſsembly of S^{o} Carolina paid him £ 2800 Carolina Currency, which amounts to about four hundred Pounds Sterling out of the said Fund for charges, by which means he was enabled to carry over to the new Township call'd Purysburg the said Number of People.—

The Petitioner not doubting from this Precedent to meet with the same encouragements, did contract with the Council in Carolina the 17 July 1736 to procure the One hundred familys mentioned in his Petition, in order to obtain the Provisions for them, and having already given so strong a proof of the reality of his performance as to send over fifty familys in November last, humbly hopes that the Right Hon^{ble} the Lords Commiss^{rs} for Trade & Plantations will not think him unworthy of the rewards and advantages, as was granted to the said Col^{o} Purry, especially since without them it will not only be impossible for him to compleat this understanding but must utterly be ruin'd from the great charges he has already been at in procuring the said fifty familys.

In order to fix the number of Persons that may be understood by One hundred Familys the Petitioner offers to introduce the same number that Coll Purry has done, including the fifty familys already gone. But the Petitioner having met with a very long Passage from Carolina hither, and been obliged to put into Boston in New England, by the vessels springing a Leak, which retarded his arrival here for three Months longer than he expected, and having since met with delays in the pursuit of his Petition it will be impracticable for him to get to Carolina with his People by October next (the time fixd by his Contract with the Council at Carolina) and therefore humbly hopes Their Lordships will think it requisite that a Prolongation of time should be allowed him vizt for two Years to commence from the first October of the present Year 1737 (which is four years less than was granted to Coll Purry for the same number of Souls) in order to prevent thereby any disputes, which may arise from the expiration of the th limited in the said Contract, with the Governr and Council of Carolina.

The Petitioner humbly beggs leave to observe that in allowing him the said Fortyeight thousand Acres of Land, the value of them is a great deal less than of those granted to Coll. Purry, because the Township of New Windsor lye two hund Miles further from the Sea than Purysburg, & therefore his request is in reality farr short from what has been given to sd Coll. Purry

March 19th 1736/7 Sebastian Zouberbuhler

Recd 19th March 1736/7
Read 26th April 1737.

B.P.R.O. So Carolina B.T. Vol 8 F. 53.

Copy

The Contents of the Petition translated from the German language

The Humble Petition of Sebastian Zouberbuhler
To the Governor and Council
of South Carolina

Sheweth

1. That the Petitioner promises to bring over to South Carolina in one years time one hundred Swiss Protestants Familys

2. That the Petitioner desires that one years Provisions, the necessary cattle Tools &ca may be allowed to the said one hundred on their arrival in the same manner as was granted for the People that Coll Purry brought over. And further promises that after the said one hundred familys are well settled and able to subsist from their own product he will procure and bring over two hundred familys more without charge to the Province.

3. That the Petitioner desires, the Warrants the Plats and grants may be given to the People gratis

4. That the Township where the People are to be settled shall be shewn to the Petitioner at the charge

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charge of the Province.

5. The Petitioner beggs he may have the Liberty of chusing a Township upon Santee River.

Sebastian Zouberbuhler.

Rec^d^ } April 29: 1737
Read }

B. P. R. O. So Carolina B. T. Vol 8 F. 54

(21st april 1737)

At the Court at St James's
the 21st April 1737
Present
The King's Most Excellent Majesty in Council

Whereas by Commission under the Great Seal of Great Britain, the Governor Council and Assembly of His Majesty's Province of South Carolina, are Authorized and Empowered to make, constitute and ordain Laws Statutes and Ordinances, for the Publick Peace, Welfare and Good Government of the said Province which Laws Statutes and Ordinances, are to be, as near as conveniently may be, agreable to the Laws and Statutes of this Kingdom and are to be transmitted to His Majesty for His Royall Approbation or Disallowance And Whereas An Act was past in the said Province in May last Entituled —

"An Act for Ascertaining Publick Officers Fees"

Which Act, together with a Petition of the Patent and Warrant Officers in that Province, having been under the consideration of the Lords Commissioners for Trade and Plantations, and also of a Committee of the Lords of His Majestys most Honourable Privy Council, and the said Lords Commissioners as also the said Lords of the Committee having reported as their Opinions to His Majesty, that the said Act ought to be repealed His Majesty in Council was thereupon pleased to Declare his Disallowance of the said Act, and pursuant to His Majestys Royal Pleasure thereupon Expressed, the said Act is hereby Repealed, Declared void & of none Effect. Whereof the Governor or Commander in Chief of His Majesty's Province of South Carolina for the time being, and all others whom it may concern are to take notice and Govern themselves accordingly

A true copy
Temple Stanyan.

Recd May 16th } 1737
Read Do 24th }

B.P.R.O. A + W I. vol 19. p 76.

Charles Town the 24th March 1736/7

My Lord,

The Governor of the Bahamas having transmitted to me the several Enclosed Letters and Affidavits I thought it my Duty to send them by the first opportunity to Your Grace, apprehending the Advices they contain to be of great Importance to His Majestys Service, and the Safety of his Dominions in America.

The Governor in his Letter to me which accompanied the said Papers complains heavily of me, Accusing me that I refused one Captain Pettys shipping a few Barrels of Flower for him, which he terms very ill treatment; But was it fact that I had made such a Refusal, I think I might have been justified for so doing, an Act of this Province being passed on occasion of the Spaniards preparations at the Havana which strictly prohibits the Exportation of all sorts of Provisions out of this Province to any parts, Georgia excepted; besides the alarm of the Spaniards intended Descent, has made all Kinds of Provisions extensively dear and scarce, and we have not any Flower here, but what is brought us from the British Northern Colonies. However I can assure Your Grace that no Application was made to me by any person whatever for any flower and consequently could give no refusal.

Mr Fitzwilliam likewise Complains of my refusing some time ago to lend him 100 Small arms for 5 or 6 months, as soon as I received his Letter I ordered the Armourer to give me an account of what small-arms he had in his Custody which Account was laid before, and perused by the Council, who were of Opinion there was not a number sufficient for the Service of this Province, and that it would not be prudent to part with any of them, especially at that time when we had been obliged to Spare a considerable Number to distant new Settlers in the Townships laid out by His Majesty's Command and Instructions, and had good grounds to apprehend a rupture with the Cherokee Indians, who are a numerous people. I enclose a Packet from him, as I presume he may have hinted something of this in his Letter to Your Grace, I hope Your Grace will give some attention to what I have here said in my Justification, and doubt not but you will be of Opinion, that to leave this Province bare of Arms in the then Circumstances, in order to assist any other of his Majesty's Colonies who did not labour under the same difficultys, would have been a breach of my Duty, and a betraying the Trust reposed in me as His Majty's Lieut. Governor of this Province I am with great respect

My Lord

Your Graces most humble and
most obedient Servant
Tho. Broughton

His Grace the Duke of Newcastle

B. P. R. O. A & W. I. Vol. 623.

(30 Mar. 1737)

My Lord,

We have received a Letter from Colo. Broughton, Lieut Governor of South Carolina, dated the 6th of February last, inclosing Copies of some others relating to Designs form'd by the Spaniards against His Majesty's Colonies in those Parts; Colo. Broughton informs us, that he has by the same Opportunity transmitted Copies to your Grace, but lest they should have accidentally miscarried, We herewith inclose Copies to your Grace; and desire your Grace will please to lay them before His Majesty for his Directions thereupon. We are,

My Lord
your Graces
most Obedient and
most Humble Servants
Fitz-Walter
Octo Bridgeman
Ar Croft
R Plumer

Whitehall
March 30th 1737

His Grace the Duke of Newcastle

Enclosure

Copy (Enclosure.)

Sir,

The inclosed came to hand the 23rd of last Month, & came by the way of Carthagena, in one of the Assiento Vessels, so that between it's Date and my receiving it, is near seven Weeks, however as soon as possible have dispatched His Majesty's Sloop the Drake, Capt. Fox Commander, and hope will arrive time enough to prevent any Surprize to your Neighbouring Colony. If any Villany is designed, I must beg you will conceal as much as possible the Gentleman's name; who gives the Information, as it may be of the utmost Ill Consequence to him, as well as to the South Sea Company's Affairs, should the Spaniards know from whence it comes. And if any such design is in Agitation 'tis very possible that this Dr Tombe may in some Disguise or other make an Errant from St Augustine to see in what Posture Georgia is in; I'm in hopes by that means he may be secured, and brought to Justice for his Villany.

I have by this Opportunity wrote to all the Commanders of His Majesty's Ships stationed near you, & sent them Duplicates of the Inclosed.

Please to own the Receipt of this, and you'l oblige

Sir

Dunkirk, Port Royal }
Jama 6th Jany 1736 }

Your most Obedient Servant
(signed) D. Dent

Col. Broughton Lieut Govr of
South Carolina

B. P. R. O. A + W. I. Vol 623.

(30 Mar. 1737.)

Copy Hond Sir,

Although hitherto have not been honour'd with your Acquaintance, still have had the Pleasure of knowing your Worth, Justice and Merit in all your Proceedings, the which induces me first, as I think it's my Duty to my Country, and Secondly, as I'm certain you will prevent if possible all Mischiefs that are or shall be Cooking or Hatching against his Majesty's Colonys therefore as this Opportunity is of a sudden, have but just time to Inform you, that the 28th Ultimo N. S. arrived here an Advice Boat from Cadiz in fifty days, with some Packets of Letters from the Havana; She is to stay here but a few days, and then proceed for Carthagena with dispatches to the several Governors of New Spain, with Advice to the Commerce of Lima, that there is coming from Cadiz, seven Merchant ships stiled by the name of Register ships, and two Men of War for their Convoy.

The Material Point which I thought was necessary of Advising you, is this, That in this Advice Boat came a Gentleman Passenger, he goes here by the name of Dn Miguel Wall, he pretends he is an Irishman, and has, he says a Commission for a Lieut. Colo. of Dragoons, and also a Comission for a Captain of a Man of War, which he says, is now ready for him in the Havana, he has Letters of Credit and Recommendation from Pattino, he is very Gay and Brisk, and our Governor here made very much of him, and gave a Charge to all the Alcaide of his District to see the said Gentleman should want for nothing in his way to the Havana; The Bustle and Stir they made here of this Man's Arrival, made me a little Inquisitive and Curious to know what Errant he was sent upon by the King of Spain; accordingly I invited him to the Factory to Dinner, and finding him a free Facetious Gentleman, and lov'd his Glass, I applied him home, and as oftentimes Men over their Cups drops words strangely that they don't think of, so by this means I came to the knowledge he was no Irishman, nor was his name Wall, but if I am right his name is Peter Jacob D'Tombe formerly a Lieutenant in the English Service, but am not certain of it, but as to his Errant he came upon think I pretty well sifted him, and it seems he is to make a Descent on the new Settlement of Georgia, He is to be Supplyed with both Money and Men at the Havana, and to go with his Man of War and other Craft and Peraguas to St Augustine in Florida and there join another Party with some Indians to March to Georgia. He seems to me to hava a Notion as far as I learn to have a Proclamation published in the King of Spain's name; that all slaves that will come in to them shall have their Freedom and a Reward &c. This is all I know of at present, so I conclude that I sincerely wish that this Gentleman may be dissapointed by an early Advice, to the Governor or Chief Commander of that Colony &c. —

B. P. R. O. So Carolina B. T. Vol. 8 F. 51.

(1 apl. 1737.)

To the Right Honble The Lords Commrs
for Trade and Plantations

My Lords,

In Obedience to Your Lordships commands signified to me by Mr Popple I have considered an Act passed in Carolina during the Government of the Lords Proprietors Entituled

An Act relating to the Biennial and other Assemblies and regulating Elections and Members

By which Act I observe that there is a Power given to the Assembly of this Colony to meet without the consent of the Crown. The Charter granted to the Lords Proprietors does not in the least warrant a proceeding so derogatory of the Power and Authority of the Crown. The Power of Calling of Parliaments is admitted to be an Inherent priviledge in the Crown & I believe this is the first Instance, that such an Attempt has been made, to deprive the Crown of it. I think your Lordships should show your disaprobation of a Law which in so high a degree encroaches upon the Prerogative of the Crown; but I must observe to your Lordships If the facts are true which are stated in the memorial of Mr. Smyth the Chief Justice. I think it cannot be considered as an Act in force not having received a due Confirmation agreable to the rules settled by the Lords Proprietors themselves.

Which is humbly submitted to Your Lordships great Wisdom by

My Lords

Your Lordships most

Obedient Servant

1st april 1737.

Fran. Fane

Recd april 7th }
Read Do. 19th }

B. P. R. O. South Carolina B. T. Vol 9 T78.

Translation of Part of a Letter Dated at Charlestown in South Carolina, the 9th April 1737 written in High German by the Revd Mr Bartholomew Zouberbuhler to his Son Sebastian Zouberbuhler at London.

After a great deal of Trouble the Government of South Carolina Resolved on the 2d of April, to assist the People with Three Pettiagoes for Transporting them and their Baggage hence to New Windsor But that in case they wanted more the People should provide them at their own Charges. Whereupon the People who absolutely refused to be at the Charge of a Sufficient Number of Pettiagoes and Boats, came to me and told me, that as I had promised them that they should be carried to the Place free of all Charges, so they desired that I might provide them with a Sufficient Number of Pettiagoes and Boats. Thus I found myself obliged to hire One Pettiagoe, over and above those provided by the Government, for which I am to pay One Pistole per diem; as also Two Trading Boats to carry them and their Baggage from Purrysburgh up the River to New Windsor for the Pettiagoes can not go higher than Purrysburgh All which Expences fall upon my Account. And therefore You must see to find Ways and Means for discharging the said Expences.

Translation of Part of a Letter written by the same hand, at Charlestown ye 4 December 1737.

The People employed four full Weeks in going hence to Purrysburgh, And Seventeen days more thence to New Windsor, just at the Time of the Heavy Rains, and afterwards of the excessive Succeeding Heats, which being added to their hard Labour hath been the Occasion of a great Deal of Sickness among them, and even of deaths so that Forty of them died in a very short Time.

I do hereby certifie (and affirm upon Oath if needfull) That this is a true Translation of Part of the Revd Mr Bartholomews Letters written to me.

Sebastian Zouberbuhler

Recd } April 12th 1738
Read }

B. P. R. O. So Carolina B. T. Vol 8 F 55

(5 May 1737)

At the Council Chamber Whitehall
the 5th day of May 1737

By the Right Honourable the Lords of the Committee of Council for Plantation affairs

His Majesty having been pleased by His Order in Council of the 21st of last month to referr unto this Committee the Humble Petition of Alexander Skene and James Abercromby setting forth that they were appointed Commissioners by the late Governor of South Carolina for Settling and Adjusting (pursuant to His Majestys Royal Instructions) the Boundary between that Province and North Carolina and for which Service the Lieutenant Governor and Council of that Province thought it reasonable that the Petitioners should be allowed each of them a Guinea a Day Provisions and Horses to be allowed them beside amounting to about three hundred Pounds, And did therefore lay the same before the lower House of Assembly But the Petitioners not being able to obtain more than about fifty pounds for the whole which scarce made amends for the Horses lost in the several Expeditions, they therefore most humbly pray that His Majesty would be graciously pleased to give directions for making the Petitioners full satisfaction for the Trouble and Expence they have been at in Settling the said Boundarys:- The Lords of the Committee this day took the same into their Consideration and are hereby pleased to referr the said Petition (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider thereof and Report to this Committee what they think advisable for His Majesty to do therein.-

W. Sharpe.

Recd May 18th } 1737
Read Do. 24th }

(Enclosure)

To the Kings most Excellent Majesty in Council
The humble Petition of Alexander Skene and
James Abercromby

Most humbly Sheweth.

That Your Petrs by Commission from the late Governor of South Carolina were appointed Commissioners for Settling & Adjusting pursuant to Your Majestys Royal Instructions the Boundary between that Province and North Carolina —

That Your Petrs thereupon proceeded to Cape Fear in North Carolina there to meet the Commrs appointed in behalf of that Province. —

That after many Conferences held during the space of Six weeks by the Friendly interposition of Gabriel Johnston Esqr Your Majestys Governor of that Province Your Petrs had the happiness to remove a Difference which had long Subsisted between the two Provinces and finally to settle & adjust the Limits to the mutual Satisfaction of both.

That soon after Your Petrs return to Charles Town the Governmt there thought it absolutely necessary that a Line should be run pursuant to the Articles agreed upon and that the Trees in such Line should be markt the better to ascertain the Bounds of the two Provinces and thereby to remove all Disputes that might otherwise arise between the Officers of the Respectiv Provinces in Collecting Taxes & Your Majsts Quit rents Petrs were therefore appointed for that Purpose.

That Your Petrs being very sensible what great inconveniency and fatigue must attend an Expedition of that sort made provision, accordingly both in Men and Horses but not without great expence to themselves

That every thing being got ready Your Petrs proceeded from Charles Town to the Mouth of Cape Fear River in the Province of North Carolina and from thence took their Departure to Pursue the Line according to the Articles agreed upon as aforesaid.—

That Your Petrs continued for the space of seven weeks with Extraordinary fatigue Running the said Line most of that time thro' Desart and uninhabited Woods in many places absolutely impossible until Your Petrs had cleared the same added to this the many large and Rapid Rivers as well as Creeks Your Petrs had to pass by the Assistance only of large Trees Cut down and Dug for that purpose.

That Your Majsts Lieut. Governor & Council being Sensible of the Services done by Your Petrs and of the great

Expence attended them in Performance thereof thought an Allowance of one Guinea ꝑ diem to each of Your Petrs reasonable for their fatigue and personal services their Expences in Provisions attendants and Horses allowed them besides the whole amounting to about £300 Did therefore lay the same before the lower house of Assembly but notwithstanding many applications in Your Petrs behalf could procure but about fifty pounds for the whole which did Scarce more than make amends for the Horses lost in the several Expeditions: —

That Your Majesty's Governor having no fund at his Disposal out of which to satisfy Your Petrs for what remains due, Your Petrs are therefore on that account entirely without Relief — Your Petrs therefore most humbly Intreat Your Majesty would be graciously pleased to give Directions for making Your Petrs full satisfaction for the trouble and expence they have been at in Settling the said Boundary's

And Your Petrs as in Duty bound
April the 19th 1737 shall ever pray &c

Ja. Abercromby

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 209

Whitehall
May 5th 1737.

To the Rt Honourable the Lords of the Committee of His Majesty's most Honourable Privy Council.

My Lords.

Pursuant to Your Lordsps. Order of the 26th of January last, We have consider'd the Petition of Mr Zobuerbuhler thereby referred to us, "setting forth that he has made a Contract with the Council of South Carolina for settling a Township up the River Savanah, on a place formerly an Indian Village then called Savanah Town, at present New Windsor; And for bringing over One Hundred Protestant Families in the space of one Year, with a further promise to bring over Two Hundred Families more, after the first Hundred shall be settled, and shall be able to subsist themselves; And humbly praying as an Encouragement for his said undertaking that his Majesty will be graciously pleased to grant unto him & his assigns, forty eight thousand Acres of

Land, half of them within the six Miles of the said Town called New Windsor, and the other half contiguous to the said six Miles, with a particular Order for the said Land to be mark'd out before the first of October next (being the time limited by the said Contract) with an exemption of Quit-Rents for the first ten Years. And further praying that His Majesty will be pleased to order his Governor of South Carolina, to recommend to the Assembly of that Province, that the sum of Two Thousand Eight hundred Pounds, Carolina Currency may be given to him (as was done to Col: Purry, upon making a like settlement) that he may be the better enabled to Perform his undertaking with all possible speed.

Upon this Occasion We have been several times attended by Mr. Zouberbuhler and having discours'd with him upon the sevl. points contain'd in his Petn. We take leave to acquaint Your Lordships, that he has produced the Extract of his Proposals to the Lieutenant Governor and Council of South Carolina, by which it appears.

That in the Year 1735 Mr. Zouberbuhler proposed to bring over One hundred Protestant

Swiss Families, and desired that One Years Provision with the necessary Cattle and Tools might be allowed to the said Families at their Arrival in the same manner as was granted to the People transported by Colº Purry.

He further desired that the Warrants Plats and Grants might be given to his People gratis. That the Township on which his People were to be settled, might be shewn to him at the Charge of the Province; And that he might have the Liberty of Chooseing a Township on Santee River.

He likewise promis'd to bring over Two hundred Families more without Charge to the Province, when the first hundred should be settled & able to subsist from their own Product.

After having spent some time in viewing several places in Consequence of this Petition and and having been taken ill. He found it impossible for him, to transport to Carolina, the said hundred Families, in the time he at first propos'd and therefore in July 1736. he again presented a Petition to the Lieutenant Governor and Council explaining some Parts of his former Petition and praying that Lands might be set out and reserved for

One hundred Families of Foreign Protestants, which he was willing to import and settle in South Carolina provided that One Years Provision, and a proportion of Cattle & tools should be allow'd them at their arrival. And it appeared to us by an authentic Copy of a Minute of Council of the 17th July 1736, that the Council granted the Prayer of this Petition, allotted the Township of New Windsor formerly called Old Savanah upon the Savanah River for the Reception of the said One hundred Families; and limited the time in which Mr. Zouberbuhler was to fulfill the Terms of his Petition to October next.

Some Accidents which happen'd in Mr. Zouberbuhlers passage to England, having as he represents to us Occasion'd the loss of so much time that it will be impossible for him to comply with the Terms of his Agreement, in which should he fail, the Lands now reserv'd for the settlement of his People, might be granted to others, desires that the Time, wherein he is to make the propos'd settlement may be prolong'd for two Years from October next, and that the Forty eight Thousand Acres of Land, which he has petition'd for as an

Encouragement for his Service, may be set out before the 1st of October next. and that he may possess them free of Quit Rents for the first ten Years, at the Expiration of which. he is willing to pay the Quit Rents, reserved by his Majesty's Instructions of four shillings Proclamation Money for every hundred Acres: He has likewise desired that the Governor of South Carolina, may be directed to recommend it to the Assembly that when he shall have introduced the Hundred Families mentioned in his Petition he may be allow'd the sum of £2.400 Carolina Currency as was allow'd to Colo. Purry in the like case.

As a hundred Families is an unlimited Number, We have desired Mr Zouberbuhler to fix what Number of Persons he means thereby; and he informs us, That he is willing to introduce the same Number of Persons, Colo. Purry did, Vizt six hundred including fifty Families, which he affirms are already arrived there on his Account, in the space of two Years, to commence from the 1st October next, provided his Majesty will be graciously pleased to grant him 48.000 Acres of Land, free from Quit Rent for ten Years, and a

Recom

Recommendation to the Assemby for £2,800 Carolina Currency as mention'd in his Petition.

As the safety of this Province does only consist in the Number of its Inhabitants and as Mr. Louberbuhler has offer'd to introduce in much less Time, the same Number of Persons Col. Pury did. We do not see any Objection why His Majesty may not be pleased to grant they pray'r of his Petition, except with regard to the £2.800 he prays for, provided the Land in Question be not already granted to any other Persons. And if your Lordships shall be of the same Opinion We take leave to propose.

That the Commander in Chief of Carolina may be instructed, that the Township of New Windsor be reserv'd for two Years to Commence from October next, for the settlement only of such persons as shall be introduced by Mr. Louberbuhler.

That the 48.000 Acres of Land petition'd for by him, may be set out as he desires. One half within the six miles to be reserv'd round the said Township for the Use of its Inhabitants, and the other half contiguous thereto: But that no more of the said 48.000 Acres of Land, be given to him, before the Completion of his Proposals, than in Proportion to the Number of Persons he shall from Time to Time import. We are

My Lords,
Your Lordships,
Most Obedient and
Most humble Servts
M. Bladen.
Rd Plumer.
Orlo Bridgeman.
Ar. Croft.

Exd

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 216.

Whitehall
June 14th 1757

To the Right Honourable the Lords of the Committee of His Majesty's most Honourable Privy Council.

My Lords.

Pursuant to your Lordsps Order of the 5th of the last Month referring to us, the humble Petition of Alexander Skene, and James Abercromby appointed by the late Governor of South Carolina Commissioners for settling & adjusting (pursuant to His Majesty's Royal Instructions) the Boundarys between that Province and North Carolina for which service, the Lieut Governor and Council of that Province, thought it reasonable, that the Petitioners should be allowed, each of them, a Guinea a day, Provisions, and Horses to be allow'd besides, amounting to about Three hundred pounds and did therefore lay the same, before the Lower House of Assembly, but could obtain no more, than about Fifty pounds. Praying, that His Majesty would be graciously pleas'd to give Directions, for making them full satisfaction, for the Trouble & Expence they have been at in settling the said Boundarys; We have taken the same into Our Consideration and desire leave to acquaint Your Lordships.

That Major Gooch Lieutt Govr of Virginia having in a Letter to us, dated the 26th March 1729 desired our Directions, how Commissioners then appointed to settle the Boundarys between Virginia & North Carolina should be paid, and instanced that the same service incurred in the Year 1711, had been - paid out of the Quit-rents of Virginia, by a Warrant from the Lords of the Treasury, at the Rate of £100 for each Commissioner, tho' but One Month out, & 20sh a day, for each Surveyor. We did thereupon order Our Secretary to inclose an Extract of Major Goochs said Letter, to Mr. Scrope to be laid before the Lords Commissioners of the Treasury for His Majesty's Orders what sum shall be allowed for the Charge of that - Service, and out of what fund the same shall be paid, and We are informed that a Warrant from the Treasury was accordingly directed to Mr. Gooch settling both the sum, and fund, to be distributed among the Commissioners, in such proportion, as he should judge proper.

As this Service is of the same nature, We conceive the same Method to be the most proper to be follow'd in the Case refer'red to us by Your Lordships. We are,

My Lords
Your Lordships
Most Obedient and
Most humble Servants
Fitz. Walter
Ja. Brudenell
Ar. Croft
R. Plumer.

Exd

B. P. R. O. South Carolina B.T. vol 9. F 75

Copy (Enclosure to F 74) (20th June 1737)

George R.

George the Second &c To Our Trusty and Wellbeloved James Oglethorpe Esqr Greeting. We reposing particular Trust and Confidence in Your Prudence Courage & Loyalty have appointed and by these Presents do appoint you to be Genl & Commander in Chief of all & Singular Our Forces employ'd and to be employed in Our Provinces of South Carolina & Georgia in America; And for the better Government of them during their Continuance under your Command; We have thought fit to Authorize & empower You to prepare and publish such Rules & Ordinances as are fit to be observed by all Officers and Soldiers of Our said Forces as also to punish all Offenders & Transgressors against the same by Death or otherwise according to the nature of their Offences as they shall appear before a Court Martial which we do hereby give you full Power & Authority to Assemble as Often as you shall see Occasion pursuant to the Directions of an Act of Parliament for Punishing Mutiny and Desertion & according to their Judgment, you are to cause sentence to be pronounced against the Person or Persons so offending either of Pains of Death, or such other Pains & Penalties as shall be thought fit to be inflicted by the said Court Martial, which said Sentence or Sentences, you are to cause to be put in Execution, or to Suspend the same as in your Discretion you shall see Cause; We giving you Power to Reprieve and Person under Sentence till Our Pleasure be Known. And that Our said Forces may be Supplyed with Officers whilst under your Command, We do give you full Power and Authority, in Case of Death, Removal by Sentence of a Court Martial or the Quitting of any of the present Officers of the said Forces to Supply the said Vacancies by such Persons as you shall make Choice of for that Purpose who are to be acknowledged & to Command in their respective Stations as if they had received Commissions from us and to continue in their said Employments till Our further Pleasure be Known, and for executing the several Powers & Authorities herein exprest; This shall be Your Warrant. Given at Our Court at St Jamses the 20th day of June 1737 in the 11th Year of Our Reign

By His Majestys Command
Signd Holles Newcastle

Recd March 9th } 1737/8
Read Do

B. P. R. O. South Carolina (B.T.) Vol 26. p. 219.

Whitehall
June 21st 1737

To Dudley Ryder Esqr. } Attorney &
& John Strange Esqr. } Solicitor General

Gentlemen,

In the Year 1735; his Majesty gave his Assent to an Act pass'd by the Trustees of Georgia, entituled An Act for maintaining the Peace with the Indians in the Province of Georgia here inclosed.

Such parts of this Act, as lay Restraints on the Indian Trade, are become a matter of contest between the Provinces of South Carolina and Georgia, which makes it necessary for My Lords Commissioners for Trade & Plantations to have your Opinion upon the following Queries.

Whether an Act of the Trustees of Georgia, or of any Assembly pass'd in the Colonies abroad, & Confirm'd by the Crown, can grant to any of the said Provinces an exclusive Trade with the Indians, dwelling within their respective Provinces.

Does the Act abovementioned exclude all Persons whatsoever, whether Inhabitants of Georgia or not, from trading with the Indians, settled within in the Bounds of the Province of Georgia, as described by the Charter, except such as shall take out Licences according to the Directions of the said Act.

I am,

Gentlemen,

Your most humble Servt.

A. P.

Ex:

B. P. R. O. South Carolina B. T. Vol 9. F 39

(29th June 1737)

To the Right Honourable the Lords Commissioners
for Trade and Plantations.

The Memorial of the Trustees for Establishing
the Colony of Georgia

Sheweth

That the Council and Assembly of Carolina having Petitioned his most sacred Majesty in Council against an Act duely past by the said Trustees, pursuant to their Charter, and Ratified by His Majesty; And the said Trustees having humbly Complained to his Majesty of an Ordinance past by the Governor Council and Assembly of Carolina, in Opposition to the said Georgia Law and his Majestys Royal Authority; Both the said matters were referred to your Lordships. And both partys have been heard thereon, by their Council, four several days, before your Lordships.

That the said Trustees have Learnt that Your Lordships Conceiving some doubt on the said Affair, have stated some Querys thereon, and desired the Opinion of his Majestys Attorney and Sollicitor General. (One of whom hath been employed and Instructed, and hath divers times appeared before Your Lordships, at the said Hearings, as Council for Carolina.

That in regard the Opinion of these Gentlemen when had, may influence the Determination of the said Affair, the Trustees Conceive it to be their most Undoubted Right to be heard in Support of their Case, upon that Referrence, And have therefore Entred a Caveat with Mr Attorney General that no Report may be made untill they shall have an Opportunity of being heard by their Council before him.

And the said Trustees Request of your Lordships that, they may have a Copy of Your Lordships Referrence to Mr Attorney and Sollicitor General, so as to be able to Adapt proper Instructions to their Council, in Order to a hearing on such Referrence.

Ferd John Paris
Soll for the sd Trustees

29 June 1737

Recd
Read } June 29. 1737

B. P. R. O. South Carolina B. T. Vol 9 I 1a

(25th July 1737)

To the Right Hon^{ble} the Lords Comm^{rs}
for Trade & Plantations

My Lords.

We have considered the Queries sent to us by your Lordships in M^r Popples letter of the 21st of June last, the first of which is "whether the Act "of the Trustees of Georgia or of any Assembly passed "in the Colonies abroad, and confirmed by the Crown, "can grant to any of the said Provinces an Exclusive "Trade with the Indians dwelling within the respective "Provinces.

And as to that we are of Opinion that as an Absolute Exclusive Trade with the Indians would be destructive of that General Right of Trading which all his Majestys Subjects are Intitled to, and therefore Repugnant to the Laws of Great Britain, no Act of the Trustees of Georgia or of any Assembly passed in the Colonies abroad confirmed by the Crown, can grant to any of the said Provinces, an Exclusive Trade with the Indians dwelling within the respective Provinces, tho the method of Trading within each respective province may be regulated by the Laws thereof.

And as the Second Querie which is "Whether the Act abovementional Excludes all persons whatsoever whether Inhabitants of Georgia or not from the trading with the Indians settled within the bounds of the Province of Georgia as described by the Charter, Except such as shall take out Licences, According to the direction of the said Act. We are of Opinion that the Act therein Referred to, does Exclude all persons whatsoever, whether Inhabitants of Georgia, or not from trading with the Indians, Settled within the Bounds of the Province of Georgia as described by the Charter, Except such as shall take out Lycences according to the direction of the said Act, That Act and the reason of it Extending to all persons whatsoever, And such taking out of Licences being no more than a proper Regulation of the Trade within the said Province.

D. Ryder
J. Strange
28 July 1737

Recd July 28 }
Read Augt 3 } 1737

B. P. R. O. South Carolina B.T. Vol 9. T 65.

Charles Town 15th July 1737

My Lords

I have received a Letter from Allured Popple Esqr. writ by your Lordships Order dated the 10th December wherein he acquaints me, that the Trustees for Establishing the Colony of Georgia in this Province, have Represented to His Majesty that Endeavours were using to obtain from me Grants of Land in that part of South Carolina, which lyes between the Alatamaha River, and the Northern Bounds of the Spanish Florida, and that as they are Apprehensive that any Grants made within that District might Endanger the Pease both of this Province and Georgia, they have pray'd His Majesty that I may be Instructed to make no Grants therein, and Inform Your Lordships, whether any Applications have been made to me for the purposes aforesaid, and at ye same time to acquaint me; that as Your Lordships have lay'd before the Lords of Council, an Instruction proposed to be sent to me upon this Head it is proposed that I should refrain for the present from Granting any Land within the District aforesaid.

In answer to which I humbly beg Leave to Inform Your Lordships That if any Applications had been made to me for Land in that District, I should not have Granted it. tho' I had not received Your Lordships Commands thereon, to which I shall always pay the greatest Deference and Respect.

I received about the End of March last advices, That the French design'd to Attack the Chikesaws again in April with a body of about 4000 Whites and Indians, Such a Force I apprehend might possibly be an Overmatch for these Indians, and should the French Destroy them, or Drive them out of their Possessions, it must Inevitably be of very Ill Consequence to these parts of His Majestys Dominions; I therefore Sent an Account of this News by Express to the Traders in that Nation, that they might Inform those Indians thereof, and advise them to be on their Guard, which they seem to be determined upon; But by Latter advices. I hear the French have layd aside that undertaking till the Fall expecting that then they shall meet with the Corn Planted by the Chikesaws to Support their Men.

Your Lordships Orders in relation to Mr Jackson shall be Obey'd, and nothing keeps me in Town.

this Sickly and violent Hot Season, but the Examining the Evidences he shall bring before me, and a Testimonial shall be Annex'd to the Depositions under the seal of the Province, as usual on such Occasions

The Apprehensions we have been under for some Months past, of the Spaniards Designs on the Colony of Georgia, being now over, all the Forces raised and kept in Pay by this Province, to be in a readiness to Assist that Colony in Case of Need, are discharged I am with great respect.

My Lords

Your Lordships most Obedient
and most humble Servant
Thos Broughton.

Recd Septemr 20 } 1737
Read Do 21 }

B. P. R. O. South Carolina B. T. Vol 9 F 62.

(29th July 1737)

At the Council Chamber Whitehall
the 29th day of July 1737
By the Right Honorable the Lords
of the Committee of Council for
Plantation Affairs.

Whereas the Lords of the Committee this day took into consideration a Report made by the Lords Commissioners for Trade and Plantations dated the 5th of May last, upon the Petition of Sebastian Zouberbuhler, which Petition Sets forth "That he has made "a Contract with the Council of South Carolina for "Settling a Township up the River Savannah on a "Place formerly an Indian Village, then called Savannah "Town, at present New Windsor, and for bringing over one "hundred Protestant Familys in the Space of one Year; "with a further promise to bring over two hundred Familys more after the first hundred shall be Settled "and able to Subsist themselves. And humbly praying "as an Encouragement for his said undertaking, that "his Majesty will be graciously pleased to grant unto "him and his Assigns forty eight thousand Acres of "Land, half of them within Six Miles of the said

"Town called New Windsor, and the other half contiguous to the said Six Miles, with a Particular Order for the said Land to be marked out before the first of October next, being the time limited by the said Contract, with an Exemption of Quit Rents for the first ten Years: And further praying that His Majesty will be pleased to Order his Governor of South Carolina, to recommend to the Assembly of that Province, that the Sum of two thousand eight hundred pounds Carolina Currency may be given to him, as was done to Colonel Purry upon making a like Settlement, that he may be better enabled to perform his undertaking with all possible Speed" And upon which Petition, the said Lords Commissioners have Reported that they see no Objection why His Majesty may not be pleased to grant the prayer thereof, except with regard to the two thousand eight hundred pounds – And Whereas the Lords of the Committee have likewise taken into their Consideration, a Memorial presented to them this day by the said Mr Youberbuhler, Setting forth "that the sum of four hundred pounds Sterling which is Equivalent to two thousand eight hundred pounds Carolina Currency, was given to Mr Purry by Act of Assembly past the 20th of August 1731, which Money, was part of the 1300£ p Ann (arising out of the Duty upon Negroes Liquors &c) which his Majesty had granted on Condition that it was employed in Settling Poor Protestants in Carolina; And humbly praying in regard thereto, and that the Proposed Settlement of Six hundred Swiss Persons at New Windsor, lyes one hundred and fifty Miles higher up the River Savannah than Purrysburgh, and that the Charges will be of course much larger. And likewise in regard to the great Charges he hath already been at in procuring fifty Familys actually arrived in South Carolina in February last, and to the far greater Charges he must necessarily be at in compleating the remaining Number. That he may therefore be allowed the said Reward of two thousand eight hundred pounds Carolina Currency." The Lords of the Committee are thereupon pleased to Order that the said Report be Referred back to the said Lords Commissioners for Trade and Plantations, who are to reconsider thereof, and at the same time to Examine into the Allegations of the said Memorial (a Copy whereof is hereunto annexed) and to Report their Opinion upon the whole matter to this Committee

Jas Vernon

(Enclosure)

To the Right Honourable the Lords of the Committee of His Majestys most Honourable Privy Council

The Memorial of Sebastian Zouberbuhler

Humbly Sheweth

That, his Petition to His most Excellent Majesty relating to a Settlement of one hundred Protestant Swiss Familys, to be made at New Windsor on the River Savannah in South Carolina, in America having been referred to the consideration of the Right Hon.ble The Lords Commissioners for Trade and Plantations And their Lordships Report thereupon Lying now before your Lordships consideration by which it appears that they do not see any Objection, Why His Majesty may not be pleased, to grant the prayer of the Petition of your Memorialist, except with regard to the two thousand Eight hundred pounds Carolina Currency, he prays for

Your Memorialist begs leave humbly to represent to your Lordships that the Assembly of South Carolina past an Act dated the 20th of August 1731 by which they secured to the late Collonel Purry

a

a Reward of four hundred pounds Sterling which is equivalent to £2800 Carolina Currency, in Order to Assist him in the Execution of his Undertaking upon his bringing over to Carolina one hundred Effective Men it being part of 13000 Pounds p^r Annum out of the Duty on Negroes, Liquors and other Goods and Merchandizes which his Majesty had granted on condition that it should be employed towards Settling of poor Protestants in Carolina. Now Your Memorialist humbly Apprehends considering that the proposed Settlement of Six hundred Swiss persons at New Windsor, which lyeth one hundred and fifty Miles higher up the River Savannah, than Purrysbourgh and in consequence the 48000 Acres of Land to be granted to him are a great deal less valuable than those granted to the late Collonel Purry And also that the charges of going up the River Savannah so far are vastly larger than such as were made in relation to Purrysbourgh, and as it will be impossible for your Memorialist to compleat this undertaking considering the great charges he hath already been at, in procuring the fifty Familys Actually arrived in February last in South Carolina and likewise the far greater charges he must necessarily undergo in compleating the remaining - Number according to his Proposall, unless he be Assisted with the like Encouragements as the late Collonel Purry, particularly in relation to the Reward of 2800 Pounds Caroline Currency, of which like Reward he humbly hopes your Lordships will not think him unworthy.

Therefore Your Memorialist humbly Prays Your Lordships will be pleased to recommend his Case to his most gracious Majesty in such a manner as may induce His Majesty to grant him the said Reward of two thousand Eight hundred pounds Carolina Currency, And that the Commander in Chief of South Carolina may be instructed accordingly

And your Memorialist begs leave to Subscribe himself

Your Lordships

most humble most Devoted and
most Obedient Servant

London July 13th 1737 Sebastian Zouberbuhler

Copy.

(Enclosure)

To the Right Honourable the Lords of the Committee of His Majestys most Honourable Privy Council.

My Lords

Pursuant to Your Lordships Order of the 26th of January last we have considered the Petition of Mr Youberbubler thereby referred to us Setting forth that he has made a contract with the Council of South Carolina for Settling a Township up the River Savannah on a Place formerly an Indian Village then called Savannah Town at present New Windsor and for bringing over one hundred Protestant Familys in the Space of one Year with a further promise to bring over two hundred Familys more after the first hundred shall be Settled and able to Subsist themselves And humbly praying as an Encouragement for his said undertaking that his Majesty will be graciously pleased to grant unto him and his Assigns forty eight thousand Acres of Land half of them within the Six Miles of the said Town called New Windsor and the other half contiguous to the said Six Miles with a particular Order for the said Land to be marked out before the first of October next (being the time limited by the said Contract) with an Exemption of Quit Rents for the first ten Years And further Praying that His Majesty will be pleased to Order his Governor of South Carolina to recommend to the Assembly of that Province that the Sum of two thousand eight hundred pounds Carolina Currency may be given to him (as was done to Coll^o Purry upon making a like Settlement) that he may be the better enabled to Perform his undertaking with all possible Speed.

Upon this occasion We have been several times attended by M^r Youberbuhler and having discoursed with him upon the several Points contained in his Petition We take leave to acquaint Your Lordships that he has produced the Extract of his Proposals to the Lieu^t Governor and Council of South Carolina by which it appears.

That in the Year 1735 M^r Youberbuhler proposed to bring over one hundred Protestant Swiss Familys and desired that one Years Provisions with the necessary Cattle and Tools might be allowed to the said Familys at their Arrival in the same manner as was granted to the People Transported by Col^o Purry

He further desired that the Warrants Plots and

Grants might be given to his People gratis That the Township on which his People were to be Settled might be shewn to him at the charge of the Province and that he might have the liberty of choosing a Township on Santee River

He likewise promised to bring over two hundred Familys more without Charge to the Province when the first hundred should be Settled and able to Subsist from their own Product

After spent some time in viewing several Places in consequence of this Petition and having been taken ill he found it impossible for him to transport to Carolina the said hundred Familys in the time he at first Proposed And therefore in July 1731 he again presented a Petition to the Lieutenant Governor and Council explaining some parts of his former Petition and Praying that Lands might be set out and reserved for one hundred Familys of Foreign Protestants which he was willing to import and Settle in South Carolina Provided that one Years Provisions and a Proportion of Cattle and Tools should be allowed them at their Arrival And it appeared to us by an Authentick Copy of a Minute of Council of the 17th of July 1736 that the Council Granted the Prayer of this Petition allotted the Township of New Windsor formerly called Old Savannah upon the Savannah River for the reception of the said One hundred Familys and limited the time in which Mr Youberbuhler was to fullfill the terms of his Petition in October next.

Some accidents which happened in Mr Youberbuhlers Passage to England having as he represents to us occasioned the loss of so much time that it will be impossible for him to Comply with the Terms of his Agreement in which should he fail the Lands now reserved for the Settlement of his People might be granted to others, desires that the time wherein he is to make the proposed Settlement may be prolonged for two Years from October next and that the forty eight thousand Acres of Land which he has Petitioned for as an Encouragemt for his Services may be set out before the first of October next and that he may possess them free from Quit Rents for the first ten Years at the Expiration of which he is willing to pay the Quit Rents reserved by His Majestys Instructions of four Shillings Proclamation Money for every hundred Acres. He has likewise desired that the Governor of South Carolina may be directed to recommend it to the Assembly that when he shall have introduced the hundred Familys mentioned in his Petition he may be allowed the Sum of two thousand eight hundred pounds Carolina Currency as was allowed to Colonel Purry in the like Case.

As a hundred Familys is an unlimited Number We have desired Mr Youberbuhler to fix what Number of persons he means thereby And he informs us that he is willing to introduce the same Number of Persons Colo Purry did Vizt Six hundred including fifty Familys which he Affirms are already arrived there on his Account in the Space of two Years to commence from the first of October next Provided His Majesty will be graciously pleased to grant him forty eight thousand Acres of Land free from Quit Rent for ten Years and a Recommendation to the Assembly for two thousand eight hundred pounds Carolina Currency as mentioned in his Petition

As the Safety of this Province does only Consist in the Number of its Inhabitants and as Mr Youberbuhler has offered to introduce in much less time the same Number of Persons Colo Purry did We do not see any Objection Why His Majesty may not be pleased to grant the Prayer of his Petition except with regard to the two thousand eight hundred pounds he Prays for Provided the Land in Question be not already granted to any other Person And if Your Lordships shall be of the same Opinion We take leave to propose

That the Commander in Chief of Carolina may be instructed that the Township of New Windsor may be reserved for two years to Commence from Octobe next for the Settlement only of such Persons as shall be introduced by Mr Youberbuhler.

That the forty eight thousand Acres of Land Petitioned for by him may be set out as he desires One half within the Six Miles to be reserved round the said Township for the use of its Inhabitants and the other half contiguous thereto But that no more of the said fortyeight thousand Acres of Land be given to him before the Completion of his Proposals than in proportion to the Number of Persons he Shall from time to time import We are

My Lords

Your Lordships

Whitehall } Most Obedient and Most humble Servants
May 5th 1737 } R. Plumer. M Bladen
Read Augt 5th } 737 Orl. Bridgeman Ar. Croft
Read Dr 11th }

B. P. R. O. South Carolina B.T. Vol 9 F63

(29th July 1737)

At the Council Chamber Whitehall
the 29th day of July 1737

By the Right Honourable the Lords of the
Committee of Council for Plantation Affairs

His Majesty having been pleased by his Order in Council of the 21st of this Instant to referr unto this Committee the humble Petition of John Hamilton Esqr setting forth that there are very great Tracts of Land in the Province of South Carolina lying uncultivated that are well adapted to the Culture of Vineyards for Wine and Fruit Coffee Cocoa Nutts Olives for Oyle Hemp Flax and several other Commoditys very advantageous to the Trade and Commerce of England That the Petitioner being desirous of making a Considerable Settlement in the said Province hath been at great pains and Expence to procure about one hundred and forty Protestant Familys Skilled in the Cultivation of such Commoditys who are all ready to Embark as soon as the Petitioner can be ready to receive them in that Province, And that being able to procure many hundred more upon proper Encouragement given He most humbly prays His

Majesty will be graciously Pleased to grant him a Tract of two hundred thousand Acres of Land in South Carolina for the purpose aforesaid which he will oblige himself to take up in one two or four Parcell or Parcells in the most convenient Place or Places for such Commoditys where it has not been set out to any other Person, Or otherwise that His Majesty will be pleased to direct that the Petitioner may take up part of the said Land in some of those Townships which were set out by the Governour pursuant to His Majestys Order and which are not yet Settled And that the said Lands may be granted to the Petitioner free from Quit Rent for the first ten Years. The Lords of the Committee this day took the said Petition into their Consideration and are hereby Pleased to referr the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations to consider thereof and Report their Opinion thereupon to this Committee.

Ja: Vernon

(Enclosure)

To the Kings most Excellent Majesty in Council

The Humble Petition of John Hamilton Esqr

Sheweth

That Your Majesty has very great Tracts of Land in Your Province of South Carolina in America Lying uncultivated which were they Settled would in time increase Your Majestys Revenue Extend the Trade and Commerce of Great Britain and be a great Security to that Province And that Your Majesty by Your Royal Instructions to Your Governor of that Province did direct him to sett out several Townships in Order to Settle such Persons in as should come there to make Improvements but that all or the greatest part of those Townships as yet lyes unsettled and uncultivated to the real Prejudice of both England and that Province.

That the Soyl of the said Province is well adapted to the Culture of Vineyards for Wine and fruit for Coffee Cocoa Nutts Olives for Oyle Hemp Flax and several other Commoditys very advantageous to the Trade and Commerce of England and that were there good and well conducted Settlements made it would greatly Contribute to this end.

That in Order to Propagate all those Commoditys to a great Extent and Perfection Your Petr has long

Studied how to do so and is very desirous of making a Considerable Settlement in the said Province to which end he has been at great Pains and Expence to procure and agree with about 140 Protestant Familys Skilled in the Cultivation of such Commoditys in Order to Carry and Settle in the said Province for that purpose who are all now ready to imbark as soon as your Pet^r can be ready to receive them there and Your Pet^r is able to procure many hundreds more upon proper Incouragem^t given, All which will render this undertaking very Expensive and Laborious to Your Petitioner

Your Petitioner therefore most humbly Prays Your Majesty will be graciously Pleased to grant him in Your said Province of South Carolina 200,000 Acres of Land for the aforesaid purpose which he will oblige himself to take up in one two or four parcell or parcells in the most Convenient Place or Places for such Commoditys where it has not been set out to any other Person. Or that Your Majesty will be graciously Pleased to Direct that Your Pet^r may take up part of this Quantity of Land in some of those Townships which were sett out by the Governor by Your

Majesty's Order and which are not yet Settled. And as your Petitioner will receive no benefit from his Great Labour and Expence in this undertaking for several Years he humbly beseeches Your Majesty to remitt the Quit Rent for the first ten Years that he may be enabled thereby to give incouragement to such Industrious Protestants as are willing to go and Settle there for the Publick Good and after the Expiration of that term Your Petitioner is willing to pay such Quit Rent as shall be thought reasonable upon so laudable an Undertaking

And Your Petitioner will ever Pray

Copy

John Hamilton

Recd 15th } Augt 1737
Read 17th }

B P. R. O. South Carolina B. T. Vol 9 F 61

(5th August 1737)

To the Right Honble The Lords Commissioners
For Trade & Plantations

My Lords.

In Obedience to Your Lordships Commands signified to me by Mr Popple I have considered the following Ordinance passed at South Carolina in June 1736 Entituled

An Ordinance for asserting and maintaining the Rights and Privileges of his Majestys Subjects of this Province of South Carolina to a free open and uninterrupted Trade with the Creek Cherokee and other Nations of Indians in Amity and Friendship with His Majestys Subjects And for the better Preserving those Indians in the Interest of Great Britain.

To which I have no Objection in point of Law.

I am
My Lords
Your Lordships most Obedt
Servant
Fran Fane

5th August 1737
Recd Augt 5th } 1737
Read Do }

B. P. R. O. South Carolina B T Vol 9 F 64

(21 Aug 1737)

The General Plann of Mr Hamiltons intendd Settlement in South Carolina Vizt

1st I propose to give every Family, one with another 200 Acres of Land in Fee for ever, free for the first 5 or 6 Years; after ye Expiration of wch Term they oblige themselves to render me 1/5 part of every thing their Land produces, or in lieu thereof a Certain Rent not Exceeding 1d. ꝑ Acre, and to be oblig'd to make their option within ye term of 15 Years

2dly The things I oblige the People to Propogate are Wine, Currants & Raisens, Oyle, Coffee, Cocoa, Hemp, Flax, Wax, Hony, Saffron, together with all kinds of Corn & Cattle for Provisions, And I oblige my self on my part to furnish every family with ye first Species of the Commoditys with in 12 months after their arival in Carolina, & likewise oblige my self to furnish them wth People Skill'd to instruct them to Cultivate & Manufacture those Commoditys, under the Penalty of receiving no Consideration for the Land I so lett them

3dly I oblige myself to furnish every Family wth a certain quantity of Provisions when they arive wch they oblige themselves to repay me in kind, or ye value thereof in other Commoditys, at ye Expiration of 2 years from their arival.

Upon the foregoing terms I have already agreed with about 140 Familys, who are ready to enter into writings as soon as I am prepared so to do. And in order to make my Settlement Effectual and Extensive I have agreed upon terms with Several Gentlemen, who will oblige themselves to procure me as many People (such as I would have) as will be Sufficient t Settle twice the quantity of Land in the manner, & upon ye Terms I propose. Wherefore I can with Safety oblige myself to Settle this, or any other Tract of Land His Majesty will be Pleased to Grant me, in the Space of ten Years wch if I do not, before the Expiration of that term. I Submitt to forfeit what I do not Settle. I humbly hope therefore upon so laudable an undertaking to have some favourable Indulgence shewn me and this I may the more reasonably hope for since my design is more particularly adapted to the Interest of Great Britain than any Settlement ever Attempted in America; And Still more so, as I am resolved to let no one thing be Manufactur'd by the People I Settle, wch is Manufactur'd in any part of Britain wch I conceive is ye true way to make ye Colonys easy and happy in themselves and truly usefull to their Mother Country.

The only Indulgence I Pray is to have ye quantity of Land I Petition for, & upon them terms & to have liberty of taking it up in any Convenient place where it has not already been taken up by any one Els, and in Case I do not Settle ye whole within ten years to forfeit what I do not Settle N. B. 1000 Familys will Settle 200 000 Acres at 200 Acres to each Family one with an other, and if I could Accomodate them I am able to bring 10,000 Familys to that Province upon the Preleminarys I have mentioned, and within the Space of time

Recd } Augt 31st 1737
Read }

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 221.

Whitehall
Septr 1st 1737.

To the Right Honourable the Lords of the Committee of His Majesty's most Honble Privy Council.

My Lords.

Pursuant to Your Lordps Order of the 29th of
July last, We have taken into Our Consideration
the Petition of Mr Louberbuhler setting forth" that
" the sum of £ 400 Sterling which is equivalent to
" £2.800 Carolina Currency was given to Mr Purry, by
" Act of Assembly past the 20th of August 1731, which
" money was part of the £ 13,000 ℘ Ann (arising out
" of the Duty upon Negroes, Liquors &c.,) which his
" Majesty granted on Condition that it was employ'd
" in Settling poor Protestants in Carolina;" and hum-
" bly praying," in regard thereto and that the propos'd
" settlement of 600 Swiss Persons at New Windsor
" lyes 150 Miles higher up the River Savanah than
" Purrysburgh, and that the charges will be, of Course
" much larger, and likewise in regard to the great
" Charges he has already been at, in procuring 50
Families

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-Families actually arrived in South Carolina in February
-last, and to the far greater charges, he must necessarily be at, in compleating the remaining number
- that he may therefore be allowd the said Reward
- of £2500 Carolina Currency.

And having been attended by the said Mr. Louberbuhler, We take leave to acquaint Your Lordships that We see no reason, from any thing he lays before Us, to alter Our Opinion, as to that part of his Petition, relating to the £2500 Carolina Currency, which We gave Your Lordships in Our Report of May the 5th last past, the said Mr Louberbuhler, having as he informed Us, agreed with the Governor & Council of South Carolina to Carry Over one hundred Families, upon Condition they would allow him Provisions for One Year, with the necessary Cattle and Tools, in the same manner as was granted to Colo Purry, & afterwards two hundred Families more, without any further Charge to the Province, We are

My Lords
Your Lordships,
Most obedient & most humble Servts
Monson, Tho. Pelham, Wm Plumer, R. Herbert.

B. P. R. O. South Carolina B. T. Vol 9 F 67

South Carolina Septbr ye 12th 1737

My Lords.

His Majesty having been Graciously Pleased to Appoint me his Cheife Justice of this Province, I have too often been Obliged to trouble yr Ldships with some Proceedings which I Apprehend were Contrary to his Majesties Instructions, Repugnant to the Lawes and Statutes of Great Britain and Highly Prejudicial to his Majesties Crown and Revenues; All which Transactions as I was in Duty bound to Oppose I Protested agst before they Passed into Lawes, which Protests together with the Proceedings of the General Assembly have been transmitted to yr Ldships, and most of those Pretended Lawes have been since disapproved by yr Ldships and Repealed by His Majesty.

His makes me with more Chearfullness Presume once more to Apprize yr Ldships of some Objections I made to the Jury Law Ratified the 26th of Augst 1731 which Law (as I am Informed) some Members of the Present Assembly are Pressing Mr Fury their Agent to lay before yr Ldships for yr Approbation in Order to be Confirmed by his Majty

Its but a few days since this design came to my Knowledge, therefore cou'd not sooner, nor in so Regular a Manner as I ought Apprize yr Ldships of the Objections I made to that Law.

I must first beg leave to Inform yr Ldships that I Apprehend the Reason of their Pressing for the Confirmation of that Law to be this, viz that (there being several considerable Tracts of Land within this Province, which by Reason of the Parties being Attainted or Dying Intestate without Heirs as well as by other wayes and meanes are become Forfitted. And Escheated to His Majesty) Process was Issued to the Provost Marshall Commanding him to Summons A Jury of the Neibourhood to Enquire into the several Facts and find an Inquest of Office, being the only meanes to Entitle his Majty to the said Forfited and Escheated Lands, and when the Jurors Appeared A Member of the Present Assembly went to each Juror and openly Declared that there was no Law in this Province to Compell Jurors to serve on such Inquests, and that All who shoud serve on the same were Enemies to their Countrey.

Now my Lds I Apprehend that shoud this Law be Confirmed there woud be some Colourable Pretence for their Refusing to serve on such Inquests for the Crown and many People woud Wrongfully Hold large Possessions which are Devolved and become the Rights of the Crown, and by some Clauses in this Law contained Skreen themselves from Rendering any account of the same.

My Objections to the first Paragraph of this Law, are because therein its said that the severall Persons therein Named in the Schedule thereunto Annext, and no other Person whatsoever shall be obliged to serve as Jurymen, this is an Infringment of the Kings Prerogative, and Contrary to Law, for the Kings Escheator may Summons A Jury to take an Inquest of Office for the King which Power of the Escheator I conceive is superceeded by this Law, and to limit a certain set or Number of People to be Jurymen as by this Clause is Directed. I Apprehend to be Contrary to the Fundamental Constitution of the Realm, for Jurors are to be Free, Honest, Lawfull, and Indifferent Men, without any Restrictions or Limitation to any Place, Shire, or County, save only that they be of the Vicinage and within that Place, shire, or County, where the Fact to be Tryed was Committed and done, and tho the latter part of the Paragraph seems to provide A Jury for an Inquest of Office, yet its very Deficient and Impracticable, and Contrary to the 1st of H. ye 8th Ch. ye 8: which Directs that Inquests of Office are to be found by 12 Free and Lawfull Men of the Neibourhood, and not by Strangers, and to carry such from their Habitations a 100 or 200 Miles is not only unreasonable and Impracticable but Repugnant to Magna Charta and the aforsd Statute.

23 Paragraph likewise seems to provide for Juries on Special occasions and for Inquests of Office but Cloggs the Method with so many formalities and Delays that it can scarce be Complyed with which are likewise Encroachmts on the Crown and Repugnant to the Lawes of Britain as is beforementioned.

I cant Conceive for what Purpose this Perplext Method of Summoning Juries coud be Prescribed but to deprive or make it difficult for his Majty to Recover his Just Rights and Revenues, and to make the Lawes and Constitution of Great Britain subservient to the By Lawes of Carolina.

25 Paragraph Allowes the Presbiterians to make a Solemn and Conscientious declaration and Affirmation instead of an Oath, which is Contrary to Law, and the Approved Practice and Usage of the Courts of Justice in Westr Hall, and I Apprehend Contributes too much to Continue and Encourage divisions which otherwise might

subside.

30 Paragraph Impowers the Governr to Appoint Assistant Judges which is a Bold Attack upon the Crown and a Usurpation of the Kings Autority and Repugnant to Law, it being the Kings undoubted Right to Appoint his Judges.

43 Paragraph Allowes Councel to Felons and a Coppy of their Indictments three dayes before the Tryal which Prolongs the Sessions, and makes the Attendance of Juries and others very Burthensome and Expensive, and Encourages Roguery in Hopes that some Flaw may be found in the Indictmt or other Proceedings, this Clause might be well Intended, but is Contrary to Law and has hitherto proved Inconvenient.

Its Probable when Mr Fury the Carolina Agent Lays this Law before yr Ldships many other Objections May be made but I Conceive those I have mentioned Relating to the Crown and the Revenues thereof may be Suffecient to Postpone its Confirmation till some Amendmts are made thereto Conformable to the Lawes and Statutes of Great Britain, which will Preserve Both the Rights of the King and of all his Subjects all which is Most Humbly Offered and Submitted to yr Ldships Consideration by

285

by

Yr Most Obedient Humble Servt

Robt Wright

Recd Novbr 28th } 1737
Read Decr 1st }

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 224.

Whitehall.
September 14th 1737

To the Rt Honourable the Lords of the Committee of His Majesty's most Honble Privy Council.

My Lords,

Pursuant to Your Lordsps Orders of the 8th of December 1736 and the 4th of February last, We have had under Our Consideration the humble Petition & Representation of the Council and Assembly of His Majesty's Province of South Carolina, dated July the 14th 1736," complaining of several Obstructions given to the Trade of that Province by the persons Employd in the Government of the New Colony of Georgia. And also the humble Petition and Representation of the Trustees for Establishing the Colony of Georgia, containing a Complaint against the Lieut Governor, Council & Assembly of South Carolina for having opposed the Execution of an Act, approved by His Majesty in Council, the 3d of April 1735. Entitled, An Act for maintaining the Peace with the Indians in the Province of Georgia. And also for having passd an Ordinance in an illegal

-manner for raising two thousand Pounds Sterling.
-to indemnify the Traders from Carolina in Contempt
-of the said Act. In consequence of which Act several
-Traders came from Carolina into Georgia, and in
-particular Thomas Wright a Transported Convict
-was employed as a Licens'd Trader from Charles
-Town, to animate the Indians, inhabiting within
-the said Province, against His Majesty's English
-Subjects by a great many Villainous Reports and
-Suggestions, which Occasion'd the pulling down
-of a House within the Bounds of the Province of
-Georgia and the further endangering the Peace of
-the said Province

Upon this Occasion, having been attended by the Agent for South Carolina, and several of the Trustees for Georgia, and heard Counsel as well for & against the Petition of South Carolina as for and against the Petition of Georgia, We take leave to acquaint your Lordships That the Counsel for Carolina in support of their Petition insisted, that they and all His Majesty's Subjects had a right to Trade with all Indians in Amity with the Crown of Great Britain.

That there was a Law then in force in Carolina by which all persons, going from that Province to

Trade with the Indians, were obliged, in order to preserve the Peace with them, to take Licences and give Security for observing certain Rules laid down for regulating the said Trade.

They likewise insisted that the Navigation of the River Savanah ought to be free to all His Majesty's Subjects, and the produced several Affidavits to shew that several persons who were regularly Licens'd in Carolina to Trade with the Indians, had been disturbed in Their Trade, and driven by Force from the Places, where they were trading; And some had their Goods Siezed, under pretence that they were within the Province of Georgia, and were not to Trade there without taking out Licences at New Savanah in Georgia from the Commissioners appointed for that purpose

They likewise gave Evidence that some Rum had been seized and Stav'd on Board a Vessel at New Savanah Town in Georgia, that Stop'd as they alledged, oney to deliver Letters, and was proceeding up the River to Old Savanah Town in Carolina: and that a Boat had been obliged to bring to, as it was passing up the Savanah River, on pretence that it was Importing Rum into Georgia contrary to the Laws of that Province.

In Answer to which the Counsel for Georgia insisted, that by Virtue of the aforemention'd Georgia Act for maintaining the Peace with the Indians no Persons whatsoever were to Trade with the Indians within the Province of Georgia, without first taking out a Licence at Savanah in Georgia.

And that by Virtue of another Act passed by the Georgia Trustees & Confirmed by His Majesty to prevent the Importation of Rum and Brandy's into the Province of Georgia, no person was to import Rum into the said Province.

They then proceeded to examine some witnesses and read some Affidavits to prove that some of the Places (mentioned by the Council on the other side) from whence the Traders of Carolina had been removed, were within the Limits of Georgia between the Rivers Savanah & Alatamaha, the North and South Boundaries thereof, as described in their Charter. They likewise produced other evidence to shew that some of the said Places, were on the South side of the Savanah River, and the Concluded from thence that they were in the Province of Georgia at least if they were not, it would be incumbent on the Complainants to prove the Contrary.

They admitted that Rum had been seized at New Savanah. & likewise insisted that they had a Right to stop all Vessels going on the South Side of Hutchinson's Island in the River of Savanah to search for Rum, it being in the Province of Georgia, and therefore liable to be seized by Virtue of the aforesaid Act.

Having thus given your Lordships a short state of this case, We take leave to observe, that the Trade that is carried on with the Indians is of great Importance and Advantage to His Majesty's Subjects that the said Trade has increased Annually since the Province of Carolina has been in his Majesty's Hands. We must likewise Observe. That its of great Consequence to all His Majesty's Settlements in those Parts, to preserve the friendship of the Indians: And therefore tis with Concern, We see these Disputes, between his Majesty's Subjects & unless care be taken to quiet them, We fear they may endanger the loss of this Trade, & the French or Spaniards may thereby gain the Indians into their Interest, for We must observe that Laws made in either of these Provinces, cannot bind the Indians, and if they are put under difficulties in obtaining such European Goods as they have occasion for from His Majesty's Subjects, They will easily be tempted to Trade wth the French or Spaniards

We are of Opinion that this Trade with these Indians should be Free to all His Majesty's Subjects; and that if the Act pass'd in Georgia for maintaining the Peace with the Indians, is to be taken in the Strict Sense that is put upon it, it may be highly prejudicial to the Trade of Great Britain and be attended with inconveniencies which We think could not be intended at the time of passing the same; and instead of being an Act for regulating their Trade, it may give them an exclusive Trade and be of dangerous Consequence: And to shew Your Lordships what the Opinion of this Board was, on a case of a like Nature, we take leave to annex a Copy of a Representation to the late Queen, dated the 6th of September 1709, relating to the Seizure of Goods in Carolina, belonging to some Indian Traders of Virginia, and we must observe that as Yet the Heads of the Rivers that are given for the Boundaries of Georgia are

un

unknown, and no Western Lines can therefore be settled; Tis likewise Certain, great part of the Indians lye on the South side of the Alatamaha River, the most Southern Bound of Georgia and are still within the Province of Carolina, which extends Southward to the 29th Degree of Northern Latitude; So that were His Majesty's Subjects residing in Carolina, obliged to go to New Savanah in Georgia, to take out a Licence under that Government for Leave to Trade, not only with the Indians, that are said to be in Georgia, but also for Crossing one part of His Majesty's Dominions to Trade with the Indians actually within the Province of Carolina; It would be a hardship, could not possibly be intended by that Act, and yet we find tis expected that every person that goes to the Southward, should take a Licence agreeable to the Act of Georgia.

If that Rule is to take Place, We must further observe that there will be no Obligation on the Govt of Georgia to Grant Licences to any Persons they please to object to, and then the inconveniencies may soon happen, which are mention'd in the former Report to which We beg leave to refer Ourselves, For which Reasons we are of Opinion, That all

His Majesty's Subjects in Carolina, as well as in Georgia, should be at Liberty to Trade with all Indians in Amity with the Crown of Great Britain, and that those Traders which go from Carolina, should take their Licences at Charles Town, and give the security there, agreeable to the Law of that Province, and those Traders that go from Georgia, should take their Licences at New Savanah, and give the security there agreeable to the Law of that Province.

As to the Navigation of the River Savanah, We think that the Northern Branch of it ought to be free, & no Vessels should be Stop'd, going up either side of Hutchinson's Island (a little Island in the said Northern Branch opposite to New Savanah) on account of having Rum on Board, unless offering to Trade at any of the Settlements in Georgia; For with respect to the Indians; We are apprehensive that if We do not supply them with Rum, they will get it from the French.

With respect to the Complaint of the Ordinance passed in Carolina, We do not find that it is against Law, or against the Governors Instructions or goes further than a resolution to raise a sum of Mony to indemnify the Traders who took out —

Licences there, in Case they should suffer for acting under those Licences, whilst this dispute was depending..

Nor do We find that Thomas Wright the Person mentioned in the Complaint of the Georgia Trustees was a Transported Felon, or that he was employ'd to animate the Indians in Georgia against His Majesty's Subjects. We are

My Lords.
Your Lordships.
Most Obedient and
Most humble Servts
Monson.
T. Pelham
Ja. Brudenell.
R. Plumer.
Esq.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 234.

Whitehall,
Sept. 21st 1757

To John Hamilton Esq

Sir.

My Lords Commiss.rs for Trade & Plantations having had under their consideration your Petition for Land in South Carolina, and your Plan for making a settlement thereon, have commanded me to acquaint you, that they are of Opinion, your propositions are too general, & that until they are better satisfied, that your Proposals for making this settlement will be carried into Execution. Their Lordships cannot think of recommending your Petition to His Majesty. I am

Sir,
Your most humble Servt
A. P.

B. P. R. O. South Carolina (B.T.) Vol. 26 p. 235

Whitehall
Sept 30th 1737.

To Colo Broughton.

Sir,

My Lords Commissioners for Trade & Plantations having receiv'd the opinions of his Majtys Attorney and Solicitor General on two Queries relating to Validity of some of the Laws passed in Carolina, between the time of the surrender of the Charter by the late Lords Proprietors & the arrival of Colo Johnson, late Governor of the Province of South Carolina, their Lordships command me to send you the inclosed Copy thereof. lest you should not have the Copy of the abovemention'd Opinions sent Colo Johnson, I am.

Sir.

Your most humble Servt
A. P.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 236

Whitehall
October 10th 1737

To Francis Fane, Esq.

Sir,

My Lords Commissioners for Trade and Plantations, command me to send you the sixteen inclosed Acts passed in South Carolina in 1736 and 1736/7: And to desire your Opinion thereupon in point of Law as soon as can conveniently may be I am

Sir

Your most humble Servt
A. P.

An Act to supply the Defects in the Execution of An Act, Entituled, an Act for raising £30387-3-7 for defraying the Charges of the Governmt for one Year, commencing the 25th day of March 1735 and ending the 25th day of March 1736, and for applying the sum of £1000 &c,

An Act for settling a Ferry on Santee River, & for vesting the same in John Colleton of Fair Lawn Barony, Esq. and his assigns for the term of
seven

Seven Years.

An Ordinance appointing Captain John Hext Comptroller of the Duties, granted to His Majty by any Act of the General Assembly of this Provinc and appointed by such Act to the use of this Provinc

An Act for taking off certain Duties and Impositions on the Indian Traders, from certain Fines, Penalties & Forfeitures

An Act for Founding and Establishing a Parochial Chappel of Ease at Beech Hill in the Parish of St Pauls in Colleton County.

An Act for Establishing and Regulating of Patrols.

An Act for continuing Broad Street in Charles Town, to Ashley River, and for appointing & empowering Commissioners to execute the same and to receive Voluntary Contributions for that Purpose.

An Act for putting in Force in this Province part of an Act of the Parliament of England made in the 5th & 6th Years of the Reign of King Edward the 6th against Buying and Selling of Offices, and also part of an Act of the Parliament of Great Britain, made in the Second Year of his late Majesty's Reign, Entituled, An Act for the

the more effectual preventing & further Punishment of Forgery, Perjury & Subornation of Perjury, and to make it a Felony to steal Bonds, Notes, &c., and enforcing part of another Act, made in the Year of the said Kings Reign to prevent the Forging the Acceptance of Bills of Exchange or the Number or Principal Sums of Accountable Receipts for Notes &c., and for putting in Execution the Several Acts of this Province.

An Act for Establishing a Road from the Head of the Path that leads from Dorchester to Capt. Hazards Cow Pen to the Township of Orangeburgh.

An Act for building a Bridge over Ashepoo River.

An Act for raising the sum of Thirty Four Thousand and eight pounds, sixteen shillings & sixpence, current mony of the Province of South Carolina, for defraying the charges of the Government for one Year, commencing the 25th of March 1736 & ending the 25th of March 1737, and for other purposes therein mentioned.

An Act to enable the Commissrs herein named to stamp and sign to the amount of Thirty

Thirty Five Thousand & Ten pounds current — Money of this Province, for the putting the same into a posture of Defence.

An Act for making & keeping in repair the Road which leads from Savanna to the Plantn of Captain Peter Tyler in St. Pauls Parish &c.,

An Act to empower the Commissioners of the High Roads for the Parish of St John in Berkley County & the several Parishes of St Thomas & St Dennis & for altering the — Bounds of the said Parishes

An Additional Act to an Act, Entituled An Act for the keeping & maintaining a — Watch &c.,

An Act for the better regulating the Court of Common Pleas &c.,

B. P R. O South Carolina B T Vol 9 F 66.

(26 October 1737)

To the Right Hon^ble the Lords Commission^rs
for Trade and Plantations

My Lords

In obedience to your Lordships Commands I here take the liberty of giving you all the Satisfaction I can possibly do in my present Scituation.

I have already set forth to your Lordships the terms I am to give the People who comes to Settle with me, and what benefitt they are to render me. And in order to give your Lordships what further Satisfaction I can, of the probability there is of my performing what I promise, in Settling this Tract of Land, I begg leave to acquaint your Lordships that the following inducem^ts amongest others are what Generaly Creats a desire in such People as I have heretofore mentioned, to Settle under me. 1^st The manner in w^ch I propose to Settle them being 200 Acres to each family, and that Survey'd out in proper alotments for them against they come there. 2^dly That I undertake they shall be furnished w^th Provisions for the first year, at an easy rate, and to have Credit for it till they can

Conveniently repay it; together wth some other necessary accommodation. 3dly That I have discovered a certain method of Clearing more Land in a Month by the labour of two Men then 20 can clear, in the usual manner, in 12 Months. 4thly. The things they are to Propagate, and the Instructions I am to furnish them wth to facilitate the getting of profitt. 5thly That I undertake to procure the People an easy and Certain Markett for all their Commoditys as soon as they have rais'd them. 6thly That I have something to propose when I get to the Province wch will Ease my People, as well as others, from paying Taxes of any kind; And yet raise a greater Annual Sum than ever has been raised there hitherto. And a thing so Conceiv'd as to be highly beneficial to England as well as that Colloney, And to be Established without opposition.

These, My Lords, amongst others are ye Inducemts that makes Numbers of People desireous to Ingage with me wch I humbly hope will be Sufficient motives to Induce Your Lordships to give me a favourable and Expeditious Report; But Submitt my self, with all Deferance, to your Lordships judgment, and am wth Great Respect

My Lords

Your Lord^ps most Obed^t & Most
Humble Servant
Jn^o Hamilton

Rec^d Octob^r 26^th
Read D^o 28^th } 1737

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 241.

Whitehall
Novr. 17 1737.

To the Right Honble. the Lords of the Committee of His Majesty's Most Honble. Privy Council.

My Lords.

Pursuant to an Order of the Committee of Council dated the 29th day of July last, We have taken into Consideration the Petition of John Hamilton, Esq. Praying a Grant from His Majesty of Two Hundred Thousand Acres of Land in South Carolina, which he will oblige Himself to take up in One, Two, or Four Parcels, where it has not been sett out to any other Person; Or otherwise that His Majesty will be pleased to direct that he may take up Part of the said Land, in some of those Townships, which were sett out by the Governor, pursuant to His Majesty's Order, and which are not yet settled, and that the said Lands be granted to him, Free from Quit Rent for the first ten Years

Having on this Occasion been attended by Mr. Hamilton, This Gentleman in explanation of his

Proposal acquainted us.

That he had already agreed with about One hundred & forty Protestant Familys. who were ready to enter into Writings with him. to go over and settle there, and we to have Two hundred Acres each Family, and to pay him One Shilling ℘ Acre, or 1/5 part of the Produce after Five or Six Years, adding further, that He had agreed upon Terms with several Gentlemen, who would oblige Them selves to procure him as many Families, as would settle twice the Quantity of Land he asked for, and also that if he could accomodate Them he could carry over Ten Thousand Families.

That the Commodities They were to propogate were Wine, Currants and Raisins, Oyl, Coffee, Cocoa, Hemp. Flax. Wax. Honey, Saffron, and all kinds of Corn & Cattle for Provisions; That he had agreed to furnish every Family, with the first Species of these Commodities within Twelve Months after their Arrival in Carolina. and with Persons Skilld to instruct them. in cultivating & manufacturing those Commodities, and with a Certain Quantity of Provisions to be repaid him in Kind, or in Value, at the Expiration of two Years.

As a further Inducement to these Families to go to South Carolina, He next acquainted us, that he had discover'd a Certain Method of Clearing more Land in a Month, by the Labour of two Hands than Twenty in the usual Manner can in Twelve; That the Instructions he was to give them would encrease their Profit, That he would procure Them a certain and easy Market, for all their Commodities, as soon as raised; and that he had something still further to propose when he should arrive there, which would not only Free them, but others from paying Taxes of any kind, and yet raise a greater Annual Sum, than ever has been raised hitherto.

Upon all which We take Leave to observe to Your Lordsps That the usual Quit Rent to His Majesty, being four Shillings Proclamation Mony, for One hundred Acres, It seems a little extraordinary that People should submit to give 1/5 Part of the Produce or five pounds a Year for One hundred Acres to the Petitioner, Besides which as all the other Propositions are too general & Mr. Hamilton does not think it Convenient to explain to us, how he shall carry the Design into Execution. We cannot see any Reason, why His Majesty should comply with the Prayer of his Petition. We are.

My Lords.
Your Lordships
Most obedient and
Most humble Servts
Monson
T. Pelham.
Ar. Croft.
R. Plumer.

Exd.

B. P. R. O. South Carolina B. T. Vol 9 F19.

London 5th Decemr 1737

Sir

As I shall very soon apply to the Lords Comrs of Trade & Plantations for the Confirmation of an Act pass'd in the Province of South Carolina the 29th of May 1736 for Emitting and making Current the Summ of 210,000£ in Paper Bills of Credit, which Act may possibly meet with some Opposition from the Merchants here, and at Bristol: I take the Liberty to send you herewith some Printed Reports on the State of the Paper Currency of the said Province for the use & Consideration of the Lords Commrs of Trade & Plantations

I am Sir

Your most obedient humn Servt

Peregl Furye

Thos Hill Esqr Secry to the Lords Comrs of Trade & Plantations

Recd Decbr 5th } 1737
Read Decr 7th }

B. P. R. O. South Carolina B. T. Vol 9. F 73

(10th December 1737)

My Lords

Our Late Lieutenant Governor Colonel Broughton died the 22nd of last month, & the late President Mr Middleton the 6th of September, by which means the Administration of the Government devolves on me as Eldest Counsellor, pursuant to his Majestys Royal Commission & Instructions, in which Station and all others I shall always endeavour to discharge my Duty to his Majesty. And as there are two Vacancys in Council by the Death of the Gentlemen abovementioned, according to his Majestys Instruction in such a Case, I beg Leave to recommend to your Lordships Colonel Joseph Blake one of the late Lords Proprietors & Charles Pinckney Esqr Speaker of the present Commons House of Assembly, as Gentlemen who are distinguished in this Province by their Integrity Fortune & Ability

I am, My Lords, with the greatest Respect
Your Lordships most humble &
most Obedient Servant
Wm Bull

Charlestown
December 10 1737
Recd Febry 3d } 1737/8
Read Do 8 }

B. P. R. O. South Carolina B. T. bol 9 F 4

(15th December 1737)

At the Council Chamber Whitehall
the 15th day of Decem: 1737

By a Committee of the Lords of His
Majestys most Honourable Privy Council
for Plantation Affairs.

Whereas it was this day represented to their Lordships, that Mr Attorney and Mr Sollicitor General have made a report to the Lords Commissioners for Trade and Plantations, upon the Points in Dispute between the Colonys of South Carolina and Georgia, relating to the Indian Trade — And their Lordships thinking it may be necessary for their information to have the said Report before them, at the time they shall examine into the said Disputes Do hereby Order, that the said Lords Commissioners for Trade and Plantations do forthwith transmit the said Report or a Copy thereof to this Committee

Temple Stanyan

Recd }
Read } Decr 19th 1737

A Copy of the said Report was sent to the Council Office,
December 19 1737 C.B. L.G. (Red Ink note)

B. P. R. O. South Carolina B. T. Vol 4. F 70.

(23d December 1737)

At the Council Chamber Whitehall
the 23d of Decemr 1737

By a Committee of the Lords of His
Majestys most Honourable Privy Council
for Plantation Affairs

The Lords of the Committee this Day took into consideration the Petition of Sebastian Zouberbuhler of the Canton of Abbenzel in Switzerland, humbly praying for the reasons therein contained, that His Majesty will be graciously pleased to Order the Governor of South Carolina to put him in possession of forty Eight thousand Acres of Land mentioned in His former Petition, free of all Fees of Grants, Platts and Surveys, and that those Fees may be paid out of His Majestys Revenues in Carolina, or else that His Majesty will be Graciously pleased to Grant him twelve thousand Acres of Land more as contiguous as may be to the proposed Settlement of New Windsor, over and above the forty Eight thousand Acres aforementioned. And that in regard there is above a year expired of the two Years, in which he was to compleat the Introduction of Six hundred Swiss for the proposed Settlement of New Windsor, which hath been owing to the Delays he has met with in Sollicitng this Affair he humbly begs His Majesty will be pleased to Grant that the said two Years may be Deemed to begin from October 1738 - It is Ordered by their Lordships that the said Petition (a Copy whereof is hereunto annexed) Be and it is hereby Referred to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to this Committee

W Sharpe

(Enclosure)

To the Right Honoble The Lords of the Committee of His Majestys Most Honble Privy Council

The Petition of Sebastian Youberbuhler of the Canton of Abbenzel in Switzerland

Humbly Sheweth.

That your Petr upon the Report of the Lords Commissrs for Trade and Plantations has been denyed the benefit of four hundred pound Sterling which is an Equivalent to two Thousand eight hundred pounds Carolina Currency as the Exchange Stood at that time Tho' it was given to Mr Purry by Act of Assembly past the 20th August 1731 out of the thirteen thousand pounds ⅌ Ann (arising out of the Duty upon Negroes Liquors &c) which his Majesty had granted on Condition that it should be employed in Settling poor Protestants in Carolina. And altho' the Proposed Settlement of Six hundred Swiss Persons at New Windsor lyes 150 Miles higher up the River Savannah than Purrysburgh the Charges of which will be of Course much larger and likewise in regard to the great Charges he has already been at in procuring fifty Familys actually arrived in South Carolina in February last And to the greater Charges he must necessarily be at in compleating the remaining Number in so short a time as two Years only when the said Mr Purry had Six Years allowed him for the same Number of Persons

That in Consideration of those heavy Charges and the Shortness of the time in which he engages to compleat the Introduction of the said Number the Petr might rather humbly hope for a larger reward than what was granted to Mr Purry instead of going without any. But seeing that it meets with such unexpected Difficultys he begs that some Equivalent may be granted him in lieu of it and therefore humbly Proposes

That His Majesty will be graciously pleased to Order the Governor of South Carolina to put him in Possession of the 48,000 Acres of Land mentioned in his former Petition free of all Fees of Grants Plats and Surveys and that those Fees may be paid out of his Majestys Revenue in Carolina.

Or else that His Majesty be graciously pleased to Grant him 12000 Acres of Land more as contiguous as possible to the proposed Settlement of New Windsor over and above the Forty eight thousand Acres mentioned.

That there being above one Year expired of the two Years mentioned in the Petition for compleating the Introduction of the said Number of Persons for the proposed Settlement of New Windsor by the Delays he has met with in debating and Solliciting this Affair he humbly beggs His Majesty will be pleased to Grant that the said two Years may be deemed to begin from October next 1738.

And the Petitioner as in Duty bound shall ever pray

Sebastian Zouberbuhler

Recd Janry 5th }
Read Do 11th } 737/8

B. P. R. O. A + W. I. Vol. 623. (Qy 1737)

(Copy of a Letter from Mr Trelawny to Wm Bull Esqr Lieut Governor of South Carolina)

Sir

I have received the favour of your Letter of the 7th inst. Admiral Vernon will transmit to you a Copy of the Resolution of the General Council of War, held yesterday upon the subject-matter of your Letters to him, the General and myself and as the Admiral + General have promised each in his Province, the one to get his ships + the other his men ready to go upon action as occasion shall require; + it is to be hoped they will be so in a few days + before any fresh advices shall come from you desiring assistance. In case of such advice from you, which it is to be presumed we shall have if it is necessary: I make no doubt but the Council will be of opinion to send immediately to your Succour both ships + men, notwithstanding the August Moon should not be over; at least it is the opinion of

Sr +c